

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA

3 CASE NO. 1:23-cv-23004-WPD  
4

5 JANE DOE, a minor, by and through her  
6 mother and next friend, MOTHER DOE,  
7 Plaintiff,  
8 vs.

9 ACADEMIR CHARTER SCHOOLS, INC., and  
10 SUPERIOR CHARTER SCHOOL SERVICES, INC.,  
11 Defendants.  
12 \_\_\_\_\_/

13  
14  
15 DEPOSITION OF OLIVIA ANGELICA BERNAL  
16

17 THURSDAY, MAY 9, 2024  
18 10:02 a.m. - 4:44 p.m.

19 ALL PARTIES APPEARED REMOTELY  
20  
21 - - -  
22

23 Reported By:

24 Katiana Louis  
25 Notary Public, State of Florida  
Miami Office #27400

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1       Thereupon:

2                               OLIVIA ANGELICA BERNAL  
3       was called as a witness and, having been first  
4       duly sworn and responding, "Yes," was examined  
5       and testified as follows:

6                               DIRECT EXAMINATION

7       BY MR. MACDONALD:

8               Q.     Good morning. My name is Kyle MacDonald  
9       and I represent Jane Doe in her lawsuit against  
10      Academir Charter Schools, Inc., and Superior  
11      Charter Schools Services, Inc. Thank you for  
12      being here today.

13            A.     Thank you.

14            Q.     Can you please start by stating your  
15      full name for the record?

16            A.     Olivia Angelica Bernal.

17            Q.     Have you ever been deposed before?

18            A.     No.

19            Q.     Okay. I'm going to go over a few things  
20      so we're both on the same page for the  
21      deposition. Do you understand that you've been  
22      placed under oath and you have the obligation to  
23      testify truthfully here today?

24            A.     Yes.

25            Q.     And do you understand that even though

1 we're conducting this deposition via Zoom, your  
2 testimony has the same force and effect as if you  
3 were testifying in a court of law before a judge  
4 and jury?

5 A. Yes.

6 Q. Now, the court reporter cannot  
7 transcribe any inaudible responses like a gesture  
8 or a shrug, so please make sure to respond  
9 clearly and verbally just as you have been.  
10 Okay?

11 A. Okay.

12 Q. Now, the court reporter also cannot  
13 accurately reflect our responses if we speak at  
14 the same time. So, I will wait until you finish  
15 your answers and I just ask that you wait until I  
16 finish my questions. Okay?

17 A. Okay.

18 Q. Now, we want to ensure that we get your  
19 best testimony. So, if there is any question you  
20 don't understand, or anything you find confusing,  
21 just let me know and I'll be happy to rephrase it  
22 for you. Okay?

23 A. Okay.

24 Q. If you need to take a break at any point  
25 to use the bathroom, to get a drink of water,

1 anything like that just let me know, and I'm  
2 happy to do so.

3 A. Okay.

4 Q. Is there anything that would prevent you  
5 from thinking clearly and testifying truthfully  
6 here today?

7 A. No, sir.

8 Q. Now, for the purposes of today's  
9 deposition, I'm going to refer to Academir  
10 Charter Schools, Inc. as simply Academir if  
11 that's okay with you.

12 A. That's fine.

13 Q. And on that same note, I will refer to  
14 my client, who is a minor, , as Jane  
15 Doe, to help protect her identity. Is that okay  
16 with you?

17 A. That's fine with me.

18 Q. Do you understand that you're here to  
19 testify on behalf of Academir?

20 A. Yes, sir.

21 Q. And do you understand that your answers  
22 are based not only on your own personal knowledge  
23 but all knowledge known or reasonably available  
24 to Academir?

25 A. Yes, sir.

1 Q. And do you understand that your answers  
2 will be binding on Academir?

3 A. Yes.

4 MR. MACDONALD: I'm going to share  
5 my screen and show you a document.  
6 We'll mark this as Exhibit 1.

7 (Plaintiff's Exhibit No. 1 was  
8 marked for identification.)

9 BY MR. MACDONALD:

10 Q. And I want to draw your attention to  
11 this list of topics here. I'll give you a moment  
12 to review.

13 A. I'm done.

14 Q. Are you prepared to give testimony  
15 regarding those topics listed here, one through  
16 ten?

17 A. Yes. Yes, I am.

18 Q. Now I'll give you a moment to review  
19 this next page.

20 A. Ok.

21 Q. Are you prepared to give testimony  
22 regarding the topics listed here, topics 11  
23 through 21?

24 A. Yes, I am.

25 Q. Now I'll give you a moment to review

1 this last page.

2 A. Okay.

3 Q. Are you prepared to give testimony  
4 regarding topics 22 through 29 listed here?

5 A. Yes, I am.

6 Q. What did you do to prepare for today's  
7 deposition?

8 A. I read over some of the documents that  
9 were provided. I met with Ms. -- our attorney,  
10 Ms. Karron, and we just reviewed some of the  
11 types of, you know, questions, how to respond  
12 and --

13 MS. KARRON: Hold on.

14 MR. MACDONALD: I have to cut you  
15 off.

16 You don't have to tell me about  
17 anything you discussed with your  
18 attorney.

19 MS. KARRON: I was about to object,  
20 so thank you.

21 BY MR. MACDONALD:

22 Q. What documents did you review to prepare  
23 for today?

24 A. I have them right here. One of them was  
25 the actual -- the filing that you guys made, our



1 management agreement, the student code of  
2 conduct, things that I have in order to just  
3 review and prepare, all of the Title IX stuff  
4 that we handle. And that was pretty much it.

5 Q. Did you speak with anyone besides  
6 Academir's attorney about today's deposition?

7 A. No, sir.

8 Q. What is your current address?

9 A. I just moved. So, it's 15709  
10 Southwest 80th Lane, Miami, Florida 33193.

11 Q. How long have you lived at that address  
12 for?

13 A. Since Saturday.

14 Q. Where are you conducting today's  
15 deposition from?

16 A. From my work office.

17 Q. Where is that located?

18 A. 15420 -- I don't even know our  
19 address -- Southwest 157th Avenue. And it's  
20 suite -- not suite. It's unit number 5 or bay  
21 number 5. I'm sorry.

22 Q. And is that the office for Academir  
23 Charter Schools or --

24 A. It's the corporate office for Superior  
25 Charter Schools that services all of the Academir

1 Charter Schools.

2 Q. Is anyone in the room with you?

3 A. No, sir.

4 Q. Have you ever been arrested before?

5 A. No, sir.

6 Q. Have you ever been a party to a civil  
7 lawsuit before?

8 A. No.

9 Q. Have you ever been a witness in any  
10 lawsuit before?

11 A. No.

12 Q. Did you attend college?

13 A. I did.

14 Q. Where did you attend college?

15 A. I did my undergrad at Nova Southeastern  
16 University. I did my master's at University of  
17 Miami. And I did my specialist degree in  
18 leadership at Nova Southeastern University.

19 Q. What degree did you first earn at Nova  
20 Southeastern?

21 A. Bachelor of Science in education, in  
22 special education services.

23 Q. And what degree did you earn at the  
24 University of Miami?

25 A. I earned a degree in reading K-12,

1 specialist, and special education.

2 Q. And I believe you said you obtained a  
3 certification at Nova after that?

4 A. No, a specialist degree.

5 Q. I apologize. And what was that  
6 specialist degree in?

7 A. Educational leadership.

8 Q. Do you have any professional  
9 certifications?

10 A. I do. I have a Leadership, K-12. I  
11 have Reading K-12. ESOL K-12. Special Education  
12 K-12.

13 Q. And who are those certifications given  
14 by?

15 A. Florida Department of Education.

16 Q. And did you have to undergo any training  
17 or take any type of exam to earn those  
18 certifications?

19 A. Once you complete your program,  
20 typically you go in and you take the exam. If  
21 you pass, then you're certified.

22 In Leadership, obviously you go through  
23 an entire two years of training. And after you  
24 complete your program, you take the assessment to  
25 get your certification in that area and that's

1 all.

2 Q. Are you a member of any professional  
3 associations or organizations?

4 A. I'm part of the charter school alliance,  
5 the Florida Charter School Alliance, that's  
6 pretty much it right now.

7 Q. What is the Florida Charter School  
8 Alliance?

9 A. It's an organization throughout the  
10 state of Florida that provides resources and  
11 support to charter schools. I do some work for  
12 them sometimes. I did their evaluation system  
13 for the state of Florida for the charter schools.

14 Q. Was that paid work or you volunteered  
15 with the organization?

16 A. They initially paid me when I did the  
17 evaluation system for them. And then I just  
18 consult with them. If they need me to interview.  
19 If they need me to do, you know, stuff like that,  
20 I don't charge them. It's part of our  
21 partnership.

22 I did a fellowship with them to help  
23 other principals and leaders throughout the state  
24 of Florida as they're starting their career as  
25 leaders. So, I'm kind of like a mentor.

1 Q. And how long have you been a member of  
2 the charter school alliance for?

3 A. A couple of years. I've known them for  
4 about ten years or so.

5 Q. Where do you currently work?

6 A. I work for two places. I work for  
7 Superior Charter School Services and I also work  
8 for Academir Charter Schools, Inc.

9 Q. What do you do for Superior Charter  
10 School Services?

11 A. A combination of things. I have an  
12 oversight of the charter schools, an organization  
13 for compliance, for accountability.

14 I also help with the growth and  
15 expansion.

16 I'm the writer and creator of all the  
17 charter school applications.

18 I handle grants.

19 I handle issues that may arise at the  
20 schools.

21 Title IX.

22 I do an array of different things. I  
23 help them with the acquisition of bonds and  
24 transactions. The day-to-day operations in terms  
25 of compliance, in terms of manuals, in terms of

1 policies and procedures, handbooks.

2 The new opening to -- I start up  
3 charters. You know, from -- I write them. I  
4 start them. I develop them, and I turn them over  
5 to the new administration.

6 Q. Now, you mentioned policies and  
7 procedures. What kind of policies and procedures  
8 do you assist with for Superior?

9 A. Well, we're contracted under Academir  
10 Charter Schools to help support these charters  
11 and so they have to have an array of different  
12 policies in place. So, I work with the attorneys  
13 and I work with the organization and leaders  
14 within to develop policies for safety, for  
15 security, for reporting, for just the day-to-day  
16 operations of things that have to be in place.

17 I support with the handbooks, the parent  
18 teacher -- the parent of student handbooks, just  
19 about all of the policies that they require on an  
20 annual basis and to update them. The fiscal  
21 policies for grants, rents, for finances.

22 Q. Now, I understand you assist with  
23 policies and procedures for -- Academir's  
24 policies and procedures. Have you ever assisted  
25 with any policies and procedures specific to

1 Superior?

2 A. Typically I don't. I mainly -- that  
3 typically comes from like our HR department for  
4 the employees, but typically, no. That's not  
5 something I do. I mainly work with the charter  
6 schools.

7 Q. And then, you also mentioned compliance,  
8 that you assist with for Superior. What kind of  
9 tasks do you perform with regards to compliance  
10 that are specific to Superior?

11 A. Just to ensure that we're providing the  
12 resources that are needed to the schools. For  
13 example, the monthly financials, we subcontract  
14 with our CPA. So, I have to ensure that the CPA  
15 hands in everything so that I can then turn it  
16 over to the schools. That our annual audits are  
17 taking place. That the engagement letters are  
18 completed. That our annual evaluation is  
19 conducted. That we conduct our meetings with the  
20 governing board to ensure, you know, that we are  
21 fiscally compliant with our quarterly meetings,  
22 that the reporting of those meetings, that the  
23 collection of the information, the notes that are  
24 taken, that they are posted. The aspect -- so  
25 everything that pertains to Superior in terms of

1 compliance for the charter schools.

2 Q. And then you mentioned grants as well  
3 that you assist with for Superior; is that right?

4 A. That is correct.

5 Q. What kind of grants does Superior  
6 receive?

7 A. Superior does not receive grants.  
8 Academir Charter Schools does receive grants. We  
9 are just the grant managers in terms of we work  
10 with the principals to develop their budgets.  
11 The budgets then are translated into a series of  
12 documents that they need with their plans, with  
13 their request for reimbursement. The collection  
14 of all of the invoicing payroll, anything that  
15 needs to be submitted with each packet, we  
16 prepare it and we turn it over to the principal  
17 for upload into their compliance platform and  
18 that's what I do.

19 Q. And do those grants include both federal  
20 and state grants?

21 A. Yeah. The -- well, all of the state  
22 grants come from the federal government, so to  
23 speak, right. So, these last couple of grants,  
24 they're ESSER grants which are obviously as a  
25 result of COVID and learning loss and all those



1 kind of things, but they are disbursed and  
2 allocated through the state, and are given to the  
3 district for disbursement. We have to develop  
4 our plans, submit everything -- we submit  
5 everything. The grant funds to our county, our  
6 district, Miami-Dade County as they are LEA for  
7 grants.

8 Q. And what is LEA?

9 A. It's the holder of the grants. They're  
10 the ones that are responsible and like the agency  
11 that we use per our county. We're not our own  
12 district. So, we rely on our sponsor, which is  
13 Miami-Dade County, to meet all those  
14 requirements.

15 Q. And then I believe you mentioned a  
16 specific type of grant? I believe it was an  
17 acronym that you used.

18 A. Yes, the ESSER, which are just the  
19 educational success supplemental awards, right.  
20 So, they're just grants that are -- that have  
21 been out for the last couple of years. Actually,  
22 this September is the end of those.

23 We also have state-awarded grants for  
24 new charter schools. And it just depends, but  
25 all of those monies belong to the schools for the

1 students for the -- not the day-to-day operations  
2 but for specific things, like if there is  
3 learning loss, are you doing tutoring after  
4 school, homework assistance, purchasing new  
5 curriculum, specific things to student learning.

6 Q. Do you hold a specific title at  
7 Superior?

8 A. I'm the chief operating officer.

9 Q. And are you a full-time employee with  
10 Superior?

11 A. Yes, I am.

12 Q. And how long have you been chief  
13 operating officer for?

14 A. For the last two years. I've been with  
15 the organization for nine years. I was  
16 previously principal at Academir Charter School  
17 West.

18 Q. For the time that you've been chief  
19 operating officer, who do you report to?

20 A. Rolando and Esther Mir, and Alexander  
21 Casas, which is the governing board chair for  
22 Academir Charter Schools.

23 Q. And you mentioned Rolando Mir. Rolando  
24 Mir is the CEO of Superior; is that right?

25 A. Yes,

1 Q. And you mentioned Esther Mir; is that  
2 his wife I imagine?

3 A. Yes, and she's the president of Superior  
4 Charter Schools.

5 Q. Were you principal at Academir  
6 immediately prior to your role as chief operating  
7 officer?

8 A. I was. Prior to that, yes. So, I was  
9 at Academir Charter School West and East, which  
10 is another one of our charter schools that I  
11 opened up, and then I transitioned.

12 Q. How long were you principal for at  
13 Academir?

14 A. Six years, six and a half years.

15 Q. And what prompted your transition from  
16 principal to chief operating officer at Superior?

17 A. It was a position that they had been  
18 working on moving me because of the growth and  
19 expansion. As a principal I was also supporting  
20 and helping with that growth and expansion of new  
21 charter school applications, the new acquisition  
22 of schools, and bonds and so it just became very  
23 hectic for me and I had to make a decision and  
24 they had been prompting me to come for a little  
25 bit, but I loved the school setting. And so, I

1 was like, "I am not ready. I'm not ready." And  
2 then it just became a lot and so I told them I  
3 was ready and I moved over.

4 Q. And you mentioned you also currently  
5 work for Academir; correct?

6 A. Correct.

7 Q. And what do you do for Academir?

8 A. I'm -- I support the schools. I support  
9 the principals. All of the compliance stuff that  
10 I do, I do it for the schools. I do site visits.  
11 I work with the principals. I hold principal  
12 meetings, trainings, just about everything. I'm  
13 the person that they typically call if they have  
14 an issue or, "Hey, my police officer didn't show  
15 up this morning," and I make sure that they're in  
16 place, that I contact the people that need to be  
17 contacted, if there is an issue at the school, if  
18 they need help, if it's an admission of something  
19 to the state, to the district, I am the person  
20 that guides and supports them and helps them  
21 through the process.

22 Q. What is your title at Academir?

23 A. I'm the chief operating officer.

24 Q. So, you're the chief operating officer  
25 for both Superior and Academir; is that correct?

1 A. Yes. And on record --

2 MS. KARRON: Hold on. Sorry. I  
3 just wanted to object -- to clarify. I  
4 think she said she was the CEO for  
5 Superior and the COO for Academir. Did  
6 I get that wrong?

7 THE WITNESS: Yes. So, I'm the  
8 chief operating officer for both  
9 organizations, but on record for  
10 Academir Charter Schools, I'm a  
11 principal on special assignment because  
12 that's the code that we use for the  
13 district.

14 BY MR. MACDONALD:

15 Q. So, just to go back to my last question:  
16 You are chief operating officer for both  
17 Academir and Superior; is that right?

18 A. That's my title. That's my title  
19 overall, yes. On record, and for Academir  
20 Charter Schools I'm a principal on special  
21 assignment.

22 Q. Now, when you say "on record," what does  
23 that mean?

24 A. Through the district you have to have a  
25 job code in order to have access to the district

1 portal and engage with the district. And that's  
2 what I'm on record, so I'm not going to assign  
3 myself as a principal when I'm not. Typically,  
4 when someone is sent to like a region office or a  
5 district office, they're first a principal and  
6 then they're placed on a special assignment.

7 Q. And when you just refer to "on record,"  
8 do you mean for the purposes of reporting or  
9 records for Miami-Dade County Schools?

10 A. That's correct.

11 Q. Why not list your title as chief  
12 operating officer for Miami-Dade County Schools?

13 A. Because this is not -- even though it's  
14 our sponsor and our district, there are certain  
15 codes that they allow us to use and not every  
16 code, like a superintendant, is available for us  
17 to use to put on record. So, they only limit us  
18 to a certain amount of different job codes that  
19 we can have and so that's it. That's the one  
20 that we use.

21 Q. Is there a job code for chief operating  
22 officer?

23 A. Yes, but that's only for the county's  
24 use and we're not county employees, so we're not  
25 allowed to use those. Dade County even though

1 they are our sponsor, they're not my employer.  
2 And so we have to abide by their rules and  
3 regulations and those services are not included  
4 for us.

5 Q. And is there a policy or something  
6 written that says that you can't list that title  
7 in the manner that you just described?

8 A. Not that I'm aware of.

9 Q. Is Miami-Dade County Schools aware that  
10 you're the chief operating officer?

11 A. Yes.

12 Q. Are you a full-time employee of  
13 Academir?

14 A. I'm not considered a full-time employee  
15 for them, no.

16 Q. Are you paid an annual salary by  
17 Academir?

18 A. I am.

19 Q. And you're also paid an annual salary  
20 from Superior, I imagine?

21 A. I am.

22 Q. And how long have you been chief  
23 operating officer at Academir for?

24 A. Since I moved over two years ago. Yeah,  
25 two years ago.

1 Q. Meaning since you also moved over to  
2 chief operating officer for Superior?

3 A. At the same time, yes.

4 Q. Who do you report to at Academir  
5 specifically in your role as chief operating  
6 officer there?

7 A. Alexander Casas.

8 Q. How do you distinguish your duties  
9 between chief operating officer for Superior and  
10 then chief operating officer for Academir?

11 A. All of my line of work is for Academir  
12 Charter Schools. So, there are specific duties  
13 that comingle because they have to because my  
14 work here at Superior is for all of the charter  
15 schools. So, when I do budgets, or when I do  
16 grants, or when I do applications, they're for a  
17 particular school, but all of my work is for  
18 Academir Charter Schools, and that is why I can  
19 do both simultaneously because I'm doing my job  
20 for both because that's what the line of work  
21 requires.

22 None of my work is just specifically for  
23 Superior because Superior is hired to do the  
24 day-to-day operations of Academir Charter  
25 Schools. Now, there are physical days, like



1 yesterday, I was all day at a location. Those  
2 are the days that I'm physically there at a  
3 campus. A lot of my work is done through here  
4 because that is what it entails. I have to  
5 complete, develop, you know, organize all of  
6 those things here and then deploy. So, every  
7 aspect of my job is not for Superior; it's for  
8 the schools.

9 Q. So then, what specific duties do you  
10 perform for Academir that you're paid a salary  
11 for if all of your work for Superior is on behalf  
12 of the schools?

13 A. My site visits, individual cases where I  
14 go to the school where I have to take care of  
15 issues. I do walkthroughs. I do supports to the  
16 schools. I provide professional development.  
17 And I do the work from there. I help with  
18 individual things that they may need, whether  
19 it's, you know, issues with a parent, with  
20 students, with teachers. Just training, staff,  
21 helping with recruiting, helping with enrollment.  
22 That's what I do. I do the start-ups. I go. I  
23 check. Next week I'm at another campus all week  
24 long and I'm at that site physically. I work on  
25 student enrollments. I have to go to

1 graduations. There are a lot of other aspects of  
2 the job that are just specific to each individual  
3 school.

4 Q. Are there any other employees that are  
5 employed simultaneously by Academir and Superior  
6 that you're aware of?

7 A. No, not that I'm aware of.

8 Q. And Academir is a not-for-profit  
9 organization; is that right?

10 A. That is correct.

11 Q. Is Superior a not-for-profit  
12 organization?

13 A. No, it is not.

14 Q. Isn't it a conflict of interest to work  
15 as chief operating officer for Academir as a  
16 not-for-profit while also working for Superior, a  
17 for-profit organization that it contracts with?

18 MS. KARRON: Objection to form.

19 That calls for a legal conclusion.

20 MR. MACDONALD: You can answer.

21 THE WITNESS: It is not a conflict  
22 of interest because I'm getting paid a  
23 salary on behalf of all of the things  
24 that I do.

25 And this is a very common practice

1 across many charter school  
2 organizations, to have teams in place to  
3 support and work with the schools. And  
4 it's -- it's not because -- I'm not  
5 getting anything but my salary. I'm not  
6 doing it to profit off a school that is  
7 not-for-profit. I worked for the school  
8 for many years. Multiple of those  
9 schools for many years. I'm 25 -- 28  
10 years into education. So now my work is  
11 at a different level. And I have to, in  
12 order to continue to grow and expand the  
13 organization, I have to be able to do  
14 that and represent the educational  
15 portion of Superior for the schools.

16 You have to have an instructional  
17 leader to be able to do that and guide  
18 the work of all of those schools that  
19 we're working with and try to make them  
20 high-quality institutions by replicating  
21 my particular campus and that's how we  
22 have made our growth. So, when you have  
23 a leader like that, you have to have  
24 them in both organizations. We have --  
25 Superior Charter School Services is in

1 charge of hiring and providing services  
2 to the schools. We have a curriculum  
3 team, for example. Their supporters or  
4 directors that -- may work out of our  
5 offices for the schools, but they work  
6 for the schools only.

7 We have a CPA that works -- that we  
8 contract with, but works only for the  
9 schools, to provide the finances for the  
10 schools.

11 So, is it not common? It's common  
12 across most and I would say -- I can't  
13 say all, but I'd say it's a very common  
14 practice in charter schools.

15 BY MR. MACDONALD:

16 Q. It's a common practice for employees  
17 to -- strike that.

18 It's a common practice for individuals  
19 to be paid employees of both charter schools and  
20 the management companies of those charter  
21 schools?

22 MS. KARRON: Objection to form.

23 THE WITNESS: Yes.

24 BY MR. MACDONALD:

25 Q. And when you say it's common, I imagine

1 you're referring to schools that you're familiar  
2 with or worked with in the past?

3 A. Yes, I worked at another charter school  
4 organization. And I was one of their executive  
5 directors and it was the same.

6 Q. Now, I know you touched on it briefly  
7 before, but what is the relationship in terms of  
8 operating the schools between Superior and  
9 Academir?

10 A. What is the relationship? Can you  
11 explain a little bit what you're trying to say?

12 Q. Sure. So, what aspects of operating  
13 Academir Charter Schools does Superior handle?

14 A. They handle typically the day-to-day.  
15 Anything having to do with payroll, with HR, with  
16 grants management, with financial and fiscal  
17 responsibilities, with facilities, with safety,  
18 with acquisition of new properties, land,  
19 schools, representation at the district  
20 compliance, CRCs, ARCs, when we're presenting new  
21 applications, and just the day-to-day operations  
22 of a school from accounts payable to accounts  
23 receivable, curriculum, and instruction.

24 Q. Are the teachers at Academir Charter  
25 Schools employed by Academir or through Superior,

1 typically?

2 A. They are employed by ADP.

3 Q. They're employed by ADP, like the  
4 payroll company?

5 A. That is correct, for Academir Charter  
6 Schools, Inc.

7 Q. So then, who would you say is employed  
8 by Academir Charter Schools and not ADP?

9 A. These are employees at will. So, their  
10 contracts are through Academir Charter Schools,  
11 Inc., and then everything is managed by ADP. So  
12 the hiring process, everything is -- their HR is  
13 ADP, so to speak.

14 Q. Okay. But they're contracted through  
15 Academir Charter Schools, Inc.; right?

16 A. Uh-huh.

17 Q. And those contracts I imagine set out  
18 their salaries and responsibilities for the  
19 teachers?

20 A. Correct.

21 Q. Is that the same case for administrators  
22 of Academir Charter Schools?

23 A. That is correct.

24 Q. Now, you stated that you handle  
25 compliance for Superior; is that right?

1 A. For Academir Charter Schools.

2 Q. Okay.

3 A. Well, both, right. So, I do the  
4 compliance, because they're two separate -- the  
5 Academir for Academir Charter Schools, they're  
6 state and district requirements that need to be  
7 in place, that they need to upload on a monthly  
8 basis. So, I ensure that all of those compliance  
9 pieces are in place, that they are submitted and  
10 they're turning everything in.

11 From the Superior side, I make sure that  
12 all of the needs that the school have are being  
13 met whether it's their monthly financials, I make  
14 sure our CPA has them in place and then I turn  
15 them over to the schools. So, I make sure that  
16 both are compliant to ensure the success of each  
17 school.

18 Q. Okay. So, you're responsible for  
19 compliance with both entities; is that correct?

20 A. Yes. Not Superior as a whole, but the  
21 piece that belongs to the school for the  
22 operations of the school. Because there are so  
23 many other aspects of Superior. I don't man  
24 anything in Superior. What I do is everything  
25 for the schools.

1 Q. Is there anyone else at Superior that  
2 handles compliance?

3 A. I mean, it just depends on what your  
4 definition of compliance is. So, if it's  
5 employee compliance and things like that, we do  
6 have somebody else in charge of employees. I  
7 don't do anything with the employees here  
8 physically, but I only -- I work with the  
9 compliance of the schools as it relates to  
10 Superior and the schools.

11 Q. Do you know if Superior itself receives  
12 any federal funding?

13 A. They do not.

14 Q. And that includes indirect federal  
15 funding as well?

16 MS. KARRON: Objection to form.

17 MR. MACDONALD: You can answer.

18 THE WITNESS: We don't receive any  
19 federal funding. We receive funds for  
20 the services we provide the schools. We  
21 don't receive grants. We don't receive  
22 anything else besides -- according to  
23 our management agreement percentage from  
24 every campus for the day-to-day  
25 operations and services they are



1 receiving from this office.

2 BY MR. MACDONALD:

3 Q. And that funding that you just mentioned  
4 that comes from Academir; correct?

5 A. Correct.

6 Q. And what is that funding based on, the  
7 amount, let's say?

8 A. Every campus is different. It's based  
9 on enrollment, but it's typically 12 percent.  
10 Some of them, we don't charge anything because  
11 depending on where their financial standings are.  
12 Some we reduce the cost based on where they are  
13 financially, but typically it's -- on average  
14 it's 12 percent across all charter school  
15 organizations because that is, sort of, the set  
16 amount, average amount, just like a portion, you  
17 know, goes to the district. Those are set  
18 amounts that have to happen.

19 Q. And Academir receives federal funding;  
20 is that right?

21 A. For every student that we have, it's  
22 called FTE.

23 Q. So yes, they do receive federal funding?

24 A. The students, yes. You get FTE for  
25 every child that is in your building.

1 Q. Sorry if I was not clear. I just want  
2 to clarify that Academir receives federal funding  
3 for --

4 A. Academir Charter Schools' individuals,  
5 yes.

6 Q. So then, how does Superior distinguish  
7 whether it's receiving indirect federal funding  
8 from Academir?

9 MS. KARRON: Object to form.

10 THE WITNESS: Can you clarify what  
11 you mean by "indirect"?

12 BY MR. MACDONALD:

13 Q. Well, you just mentioned that Academir  
14 receives federal funding based on FTE; is that  
15 right?

16 A. They receive an annual FTE amount per  
17 student and every month they get their FTE funds  
18 that are placed in their accounts. Those things  
19 are done for the day-to-day operations and to  
20 ensure that students receive an education. And  
21 in order to have that, you have to have -- just  
22 like there's a district from Miami-Dade County  
23 Public Schools that does everything for them, we  
24 are, quote/unquote, "their district." So, we  
25 handle everything having to do with their

1 payroll, their insurance, with their HR needs,  
2 with their accounts payable, accounts receivable,  
3 with their grants, all of the managing stuff that  
4 we have to do, they're providing us the payment  
5 for all of those services at a minimal cost. So,  
6 we're just helping them run the day-to-day  
7 operations. So, whatever FTE that they get, that  
8 they obtain, it's also to help them run the  
9 schools because without that, they wouldn't be  
10 able to run the schools the way they should be  
11 able to. So, that is what we do. So, they have  
12 to pay us for that, for those services, not me,  
13 but the organization and that's how we help them  
14 carry out their day to day.

15 Q. So, I think we are --

16 A. And it's paid through their FTE. It's  
17 paid through their funding. That's how they get  
18 funded. So, that is the money they have to be  
19 able to use and spend on the day-to-day  
20 operations of their campuses.

21 Q. And when you say "they," you're  
22 referring to Academir Charter Schools?

23 A. Academir, the schools, yes.

24 Q. And you're saying Academir Charter  
25 Schools receives FTE funding for all those things

1 you just mentioned; right?

2 A. They receive for the day-to-day  
3 operations of their school. It's funding for  
4 safe-school officers. We obtain that. We have  
5 to pay the safe-school officers. So, the monies  
6 that we receive, obviously through our  
7 departments, they have to be disbursed  
8 accordingly.

9 Q. For the FTE funding specifically, does  
10 that include money from the federal government?

11 A. That comes directly from Tallahassee,  
12 which I'm assuming is also coming from the  
13 federal government, but it's money that is  
14 allocated. Every state has their budget  
15 allocation on an annual basis and every county  
16 has a different allocation based on the cost of  
17 living, where it's located, taxes, all of that  
18 stuff gets put into this umbrella, and every  
19 county in the state of Florida is paid  
20 individually and every percentage, you know, that  
21 is allocated to each county, that is how the  
22 schools get paid and they break it down. They  
23 have this lump sum and they break it down into  
24 the 12 months, and that's how they get paid, how  
25 the schools get paid.

1 Q. And Superior is paid a percentage of  
2 that FTE; is that right?

3 A. Based on their student enrollment.

4 Q. Yes, they do, based on their student  
5 enrollment?

6 A. Yeah. Every school has a percentage  
7 that we charge to help them do the day-to-day  
8 operations. Correct.

9 Q. Do you know what Title IX is?

10 A. I do.

11 Q. What is your understanding of Title IX?

12 A. So, Title IX is -- it covers a couple of  
13 different things, right, to ensure the compliance  
14 of students with regards to making sure they have  
15 access to their education, and not discriminated  
16 against, based on sex, sexual harassment,  
17 anything like that, and that, you know, they're  
18 not denied their education or any educational  
19 programs.

20 Q. Is Academir subject to Title IX  
21 requirements?

22 A. Yes, we are.

23 MS. KARRON: Objection. Calls for  
24 a legal conclusion.

25 BY MR. MACDONALD:

1 Q. Is Superior subject to Title IX  
2 requirements that you are aware of?

3 MS. KARRON: Same objection.

4 MR. MACDONALD: I didn't hear your  
5 response.

6 THE WITNESS: Superior is.

7 BY MR. MACDONALD:

8 Q. Have you received training on Title IX  
9 before?

10 A. I have.

11 Q. And what kind of training have you  
12 received on Title IX?

13 A. On different occasions through the  
14 district, I've also received it through our ADP.

15 Q. You said you received it through  
16 Miami-Dade County Schools?

17 A. That's correct.

18 Q. And also through ADP, you said?

19 A. Uh-huh, yes.

20 Q. What kind of Title IX training does ADP  
21 have?

22 A. It's modules online. You have an online  
23 course that you have to take and at the end you  
24 get a certification. And it explains the  
25 different facets of the Civil Rights Compliance.

1 They talk about what to do, how to handle  
2 situations, who to report to, things like that.

3 Q. And those are online modules, you said?

4 A. It's an online course.

5 Q. Is that online course specific to  
6 educational institutions or is it a general  
7 training on those topics?

8 A. General. Typically, the ones specific  
9 to education, as it relates to that, it comes  
10 from the district, from Miami-Dade County Public  
11 Schools, principals and administrators typically  
12 have to go to the principal meetings, and  
13 usually -- that's typically something that is  
14 reviewed, that is covered, that is explained.

15 Q. And that ADP online module specifically  
16 covers Title IX?

17 A. Sexual harassment, typically. It covers  
18 compliance for -- not compliance, discrimination,  
19 you know, things that employees are entitled to.

20 Q. But does it cover Title IX as it applies  
21 to educational institutions that you are aware  
22 of?

23 A. Not that I'm aware.

24 Q. What is your understanding of Academir's  
25 responsibilities under Title IX?

1           A.     Well, that if there is an allegation or  
2     some --

3           MS. KARRON:   I think the video  
4     froze or --

5           MR. MACDONALD:   It froze for me.  
6     Let's go off the record because it looks  
7     like she was disconnected.

8           (A brief break was had.)

9     BY MR. MACDONALD:

10          Q.     So, I don't think I got your full  
11     answer.   I believe my last question was:

12                 What is your understanding of Academir's  
13     responsibilities under Title IX?

14          A.     So, the responsibility is really to  
15     ensure the safety of the child, right, that they  
16     feel -- or in this case, dealing with students  
17     because it could be students or it could be  
18     employees, right.   So really the safety of each  
19     individual before making a determination but just  
20     to ensure that the student, if it relates to a  
21     student, in this case, is that they obtain and  
22     they have the right to their education and that  
23     not an incident or any other issue hinders that.

24          Q.     And what is your understanding of  
25     Superior's responsibilities under Title IX?



1           A.    As it relates to -- there are different  
2 ways that we handle it, right. So, you have the  
3 Title IX as it relates to employees and staff  
4 members or teachers and staff members. You have  
5 students and parents. And then you have that of  
6 any vendor or company or an applicant that comes.  
7 And that, you know, to ensure that we handle any  
8 matter that is reported to us, you know,  
9 accordingly and that in the process we support  
10 schools as needed whether it be to assist with an  
11 investigation when something is not taken care of  
12 at the school level and they want to proceed and  
13 go to the next level, we as the managing company  
14 step in to continue the process for a grievance  
15 or something like that.

16           Q.    Does Academir have any Title IX  
17 policies?

18           A.    We do.

19           Q.    And what policies are those?

20           A.    Obviously, it's explained. And teachers  
21 are trained or staff is trained on, you know,  
22 what the rights are and what their responsibility  
23 is as teachers and staff members are. What they  
24 can do in reporting and it's very different at  
25 the school level where if there is something that

1 is reported, and then it goes directly to the  
2 school administrator, right, or an employee goes  
3 directly to their supervisor, then it goes to the  
4 principal and then the process begins, right. As  
5 soon as -- it just depends on each individual  
6 case, case by case, the way the action take  
7 place.

8 Q. Does Academir have any written Title IX  
9 policies?

10 A. We do.

11 Q. And what are those policies?

12 A. So, like I was explaining, we give a  
13 description, and then who is responsible for  
14 what.

15 What are the steps? Number one, they  
16 report it to the principal. Well, they make sure  
17 that the child or the employee is safe, right.  
18 If there is an issue, right away you call 911,  
19 but then you start the process.

20 The principal, you start the  
21 investigation. You handle it accordingly,  
22 whether it's calling the police or the Department  
23 of Children and Families, however the steps may  
24 be depending on each case. Then it's definitely  
25 reported to us.

1 We have policies in place also that we  
2 have to communicate with our LEA. So, the Office  
3 of Civil Rights and all that does not apply to us  
4 because we are not Dade County Public Schools  
5 employees. So, we have to follow our own  
6 procedures, but we do communicate with the  
7 charter school office in case there is something  
8 major or big happening. And depending on the  
9 level of severity, we do have to take next steps  
10 of reporting to the state, of reporting to the  
11 county, uploading specific information, obtain  
12 different -- completing different steps in the  
13 process, but it just depends. There is a slew of  
14 different steps that are required to be taken  
15 depending on each case.

16 Q. Now, you mention a charter school  
17 organization, what are you referring to there?

18 A. What do you mean a charter school  
19 organization?

20 Q. I believe you said something to the  
21 effect of since there is no LEA with the county,  
22 that you --

23 A. Yeah. So we are -- we are the county  
24 for the schools, right. However, we do report to  
25 the charter school office if there is a case that

1 requires reporting to the state, like SESIR or  
2 something to make them aware of depending on the  
3 severity, and they provide services.

4 But we don't stop and say, "Let me call  
5 the Office of Civil Rights and Compliance because  
6 that does not pertain to us. That's Miami-Dade  
7 County Public Schools. While they are our  
8 sponsor and our LEA in accordance to our charter,  
9 and there are certain things within our charter  
10 that we opt into -- like the student code of  
11 conduct, we opted in to use their student code of  
12 conduct. We opted in to use their corrective  
13 reading plans. So, there are things that we opt  
14 into, but they're not -- all of the services that  
15 are offered through Dade County don't pertain to  
16 us, the charter schools.

17 Q. Who is the charter school office?

18 A. Miami-Dade County Schools has a charter  
19 school office that is there to provide some --  
20 the support or needed assistance to charter  
21 schools.

22 Q. And these policies that you described  
23 that are written, where are they located?

24 A. We have them here in HR, and the  
25 principals have access to it. They have it in

1 their Dropbox. Everybody has that. And it's  
2 talked about and explained at the opening of  
3 schools on an annual basis.

4 Q. And when you say the policies are in HR,  
5 what do you mean? Where are they physically  
6 stored?

7 A. So, we have obviously our copy and we  
8 follow the procedures. We have -- our HR  
9 department handles anything dealing with  
10 employees. I handle things dealing with parents  
11 and students. And Ms. Mir handles anything  
12 dealing with vendors, contractors, and other.

13 Q. Okay. Where is the policy for Title IX  
14 compliance relating to students located?

15 A. Every single principal has a compliance  
16 binder. Within that they have all of the  
17 policies and procedures. We have our policies  
18 and procedures, obviously here, a copy and they  
19 have it in the schools. And in addition, they go  
20 over all the policies and procedures with their  
21 staff.

22 Q. Okay. So, each principal in the  
23 respective Academir Charter Schools has a  
24 compliance binder?

25 A. Yes.

1 Q. And within that binder is Academir's  
2 policies pertaining to Title IX procedures --

3 A. Pertaining to all policies. They have  
4 all policies in their possession. Every -- on an  
5 annual basis those are updated, if they need to  
6 reprint them and put them in a binder, just to  
7 ensure that they have easy access to them that  
8 they do.

9 Q. Okay. But setting aside all the other  
10 policies and procedures, I'm just asking about  
11 Title IX specifically.

12 A. That's included in that policy.

13 Q. Okay.

14 A. It's included.

15 Q. And what is that document titled?

16 A. I'll tell you right now. It's titled  
17 just "Policies and Procedures." And then in that  
18 policies and procedures handbook that we have,  
19 that's one of the items in there.

20 Q. It says Title IX --

21 A. It says, "Fiscal Policies and  
22 Procedures" and then in there, one of the items  
23 is Title IX.

24 Q. It's within the fiscal policies and  
25 procedures section then?

1 A. Yes.

2 Q. How long is the section on Title IX  
3 that's within the fiscal policies and procedures,  
4 roughly?

5 A. I don't know. I would have to pull it  
6 up. There's a couple of pages. There is also a  
7 form that they can fill out for grievances or if  
8 they need to take it a step further as it  
9 pertains to HR.

10 Q. And these procedures are separate from  
11 the Academir employee handbook?

12 A. There's a section in the Academir  
13 handbook that should say Title IX, but these  
14 policies and procedures are separate. Yes, they  
15 are.

16 Q. And those policies and procedures are  
17 also separate from the Miami-Dade County Schools'  
18 policies?

19 A. That is correct.

20 Q. So, I'll represent to you that based on  
21 what you're describing to me, those policies and  
22 procedures haven't been produced in this  
23 litigation, based on what you're describing. So,  
24 I'm just trying to understand what that document  
25 looks like.

1 MS. KARRON: Give me a second,  
2 Kyle.

3 Do you -- Olivia, is it possible  
4 for that section for somebody to make a  
5 copy of it and scan it for me?

6 THE WITNESS: Yes.

7 MS. KARRON: Would that be helpful,  
8 Kyle?

9 MR. MACDONALD: Yes, that would be  
10 helpful.

11 MS. KARRON: We can figure out how  
12 to get you the whole binder, but for now  
13 we can go ahead and just give you that  
14 part.

15 BY MR. MACDONALD:

16 Q. Do you have that policy and procedure  
17 with you, Ms. Bernal?

18 A. I have sections on it based on what I  
19 just printed. I'm sorry -- no, it works -- I  
20 have it on my desktop -- not my computer, on my  
21 drive, so -- but I can get it. I can get it to  
22 you guys.

23 Q. Did you review those policies and  
24 procedures before your deposition today?

25 A. I did.



1 Q. How many pages roughly would you say  
2 that specific section on Title IX is?

3 A. Roughly about ten.

4 Q. Ten pages?

5 A. Well, just because we add the  
6 application. We add a lot of different things in  
7 there. And we break it up into employee section,  
8 student section. So, it's not just of students.  
9 So, remember we're handling employees. We're  
10 handling students, parents. And we're also  
11 handling vendors and contractors and at the end I  
12 also add a form that they can complete and fill  
13 out. So, it makes it extensive, but it  
14 delineates what is the process, how to start it,  
15 and what are some of the things that we can do to  
16 support the whole process. It refers to: Are  
17 you following the student code of conduct? What  
18 level of issue is this type of incident? Next  
19 steps, who to report to, what to do. And then  
20 depending on if it's employees, what's their next  
21 steps, if it's students, and vendors or other.

22 Q. Who created that policy?

23 A. So the team, my organization that we  
24 have, HR, myself, Ms. Mir, Ms. Xenia, who is in  
25 charge -- she's the director of HR. We had to

1 sit down and go over the policies based on the  
2 requirements through Miami-Dade County. There  
3 was a training that we participated in and then  
4 right after that it tells you that you have to  
5 develop a plan of action, who was the point  
6 person for each, what are the steps that you need  
7 to take. And then we sat down, we developed it  
8 and once it's reviewed and it's okayed by the  
9 board, then we send it out to all the schools on  
10 an annual basis just because it's -- it has to be  
11 updated and just reviewed.

12 Q. That was you and who else worked on that  
13 policy with you?

14 A. Ms. Xenia and Ms. Mir. Ms. Xenia Mir  
15 and Ms. Esther Mir.

16 Q. Sorry. What was the name?

17 A. Xenia.

18 Q. As well as Rolando Mir, as well?

19 A. Ms. Esther Mir.

20 Q. Anyone else besides her?

21 A. Just us three. We reviewed it. We  
22 looked at it and then the board has to review all  
23 of the policies on an annual basis and that's one  
24 of the policies. So, it gets approved by the  
25 board.

1 Q. Who is the third person?

2 A. Ms. Xenia Mir is the HR -- she's the HR  
3 director of human resources. And then Ms. Esther  
4 Mir, who is the president of Superior Charter  
5 Schools.

6 Q. Okay. And when were those policies  
7 first created specific to the Title IX student  
8 policies and procedures?

9 A. There was policies already in place when  
10 I came aboard because that is part of the HR,  
11 especially when, you know, it pertains to  
12 employees. So I can't tell you when they were  
13 established. I know when I came aboard we made  
14 some adjustments because of the requirements from  
15 Dade County, so probably about two or three years  
16 ago.

17 Q. Now, you mentioned HR as it pertains to  
18 employee policies. I'm asking specifically about  
19 Title IX student procedures. When were those  
20 created?

21 A. We've always had procedures in place  
22 even before I came along. We have to follow  
23 those procedures. So I don't know when and who  
24 created them because I came and they were already  
25 established, what we do on an annual basis.

1 And when they were, kind of,  
2 reconfigured was when I came aboard to work for  
3 Superior, that's what I know because of my  
4 experience, but other than that I can't tell you,  
5 who created them back when they started. I don't  
6 know.

7 Q. When was the last time that you worked  
8 on that policy for Title IX pertaining to  
9 students with the two other individuals that you  
10 mentioned?

11 A. We usually work on them over the summer  
12 to present them for opening -- before, like, the  
13 opening of schools and then but they have to  
14 be -- so, it's once a year. And it's usually  
15 over the summer.

16 Q. When was the last time you did that?

17 A. Last summer.

18 Q. What month would that be?

19 A. Our summer months for planning, anywhere  
20 from June to August, so during that time?

21 Q. And was this a physical meeting between  
22 you and these two other individuals where you  
23 edited this policy?

24 A. Correct.

25 Q. And what changes did you make this year?

1           A.     Just making the form digital and I know  
2     that one of the items that we added were the  
3     vendor ones, because typically we just worry  
4     about the employees and the students, parents  
5     making complaints. We also added the vendors  
6     this past fiscal year.

7                     And then trying to convert everything to  
8     digital so they can have easy access to it so  
9     they can do their reporting.

10                    What we're thinking of doing this year  
11     is making it a link so it can go directly to us.  
12     So we've already discussed some of the changes of  
13     our policies.

14                    But every year we try to improve  
15     something. Sometimes we don't even do anything.  
16     We'll say, "Okay. It looks good." I mean, it  
17     just depends.

18           Q.     And the form was made electronic this  
19     year, you said?

20           A.     We're going to make it electronic.

21           Q.     What have you done in regards to  
22     preparing to make the form electronic?

23           A.     I haven't started. We have the hard  
24     copy of it. We have a form, but to make it, we  
25     just convert it and make it accessible as a link

1 to all of our staff and we put it on the  
2 websites.

3 Q. You have already put it on the websites  
4 or that's a future plan?

5 A. No, that is for this fiscal year. We've  
6 discussed it.

7 Q. And what is that hard copy form? What  
8 is that document titled?

9 A. I don't have it. I didn't print it, but  
10 it is a report. I can't remember the title,  
11 something to the effect of incident reporting.  
12 And I know that it states employee -- like, you  
13 have three little things that say employee, or  
14 student, or other, or vendor. So, you get to  
15 select the dropdown.

16 Q. And is that form specific to Title IX or  
17 is that just a general accident or incident form?

18 A. No, specific to Title IX.

19 Q. What else is included on the form?

20 A. Just name, date of incident, what type  
21 of incident occurred. You know, there's a  
22 section where they get to report what took place,  
23 if they know the name of who did it, where the  
24 incident took place, the time.

25 That's not the incident reports that the

1 schools fill out though for incidents that take  
2 place. Let's say a child falls, or something  
3 happens, an incident happens, there is another  
4 form that is used at the school location where  
5 they report what happened, who's reporting, if  
6 there were any witnesses, did they contact the  
7 parent. Then they have to share the information  
8 after they call the parents. They update the  
9 form, and then everybody who reported it has to  
10 sign, who called has to sign, the parent has to  
11 sign that they acknowledged that they were  
12 provided the information. That's a different  
13 incident form.

14 Q. So, going back to the procedures that  
15 you mentioned that are in this compliance binder,  
16 those have existed for at least more than a year;  
17 correct?

18 A. Yes.

19 Q. And at any point did you all gather  
20 documents for this case?

21 A. I did not.

22 Q. Do you know of anyone who did gather  
23 documents for this case?

24 A. The principal, the assistant principal,  
25 the school site.

1 Q. And the principal would be Susie Bello  
2 in this case?

3 A. That's correct.

4 Q. And how do you know that?

5 A. How do I know it? Because this is one  
6 of my principals. And in order for her to be  
7 able to go through this whole process and receive  
8 any support or guidance, we have to communicate.  
9 So, we knew that this was happening from the very  
10 beginning.

11 And one of the first things is to make  
12 sure you've kept all of your documentation. You  
13 know, typically these are not things -- you don't  
14 keep every single thing that happens in one  
15 fiscal year. Typically, you know, there are  
16 certain documents that you have to keep for seven  
17 years at the school level. And obviously, the  
18 important information that pertains to student  
19 enrollment and things like that, in a cumulative  
20 folder, but there are some documents that are not  
21 kept on an annual basis and they are discarded at  
22 the end of the year.

23 So, we have to make sure and ensure  
24 that, hey, you know, that is in case based on the  
25 conversations you had with Mr. -- the attorneys



1 had with Mr. Mir, just make sure that you are  
2 keeping your documentation and keeping it there  
3 for as long as we need to.

4 Q. Now, you mentioned that in that binder,  
5 in the Title IX section there is one that  
6 specifically pertains to the handling of student  
7 complaints; is that right?

8 A. That is correct. Really, the  
9 principals, when it deals with students, these  
10 policies and procedures are -- yeah, these are  
11 the way to operate, but they always have to go  
12 back to the student code of conduct because you  
13 are dealing with, you know -- with students that  
14 are in essence are Dade County Public School  
15 students being serviced under the charter.

16 So you have to abide by and follow those  
17 policies and procedures delineated in the student  
18 code of conduct. It's not like they are going to  
19 go and they are going to overstep the policies.  
20 No. These are policies in place if there is a  
21 grievance. Did you do these steps? But the  
22 student code of conduct is really what guides the  
23 principal on the next steps and what actions to  
24 take when incidents arise at the school level.  
25 So, how to -- you know, what is going to happen

1 if a student makes this -- this claim, what  
2 behaviors are targeted, what actions to take.  
3 Make sure you contact the parent. Make sure you  
4 file a report, if it needs to be an incident  
5 report. You have step by step as to what you  
6 need to do in these cases.

7 Q. So, let's set aside the code of student  
8 conduct that you mentioned before. In the  
9 compliance handbook or binder that the principals  
10 have, there is a section on Title IX student  
11 complaints; is that correct?

12 A. Yes.

13 Q. And what specifically does that section  
14 say about the handling of student complaints?

15 A. Well, first is to ensure the safety of  
16 the child. You have to, depending on -- in this  
17 case, for example, you have a teacher that then  
18 notified another teacher, right. She's turning  
19 the child over. The teacher handles it  
20 accordingly based on what she is provided. At  
21 that point, if there is something -- many times,  
22 you know, children fall, whatever happens, you  
23 know, you have to report it, you have to do an  
24 incident report, depending on the severity, then  
25 you communicate with your school principal and

1 the situation starts from there. There is a slew  
2 of different things that need to happen depending  
3 on each individual incident. So, for me to tell  
4 you exactly everything that has to take place is  
5 very difficult because it depends on what was the  
6 situation at hand.

7 Q. In cases of student-on-student sexual  
8 harassment what is the first step that that  
9 policy states in terms of handling a complaint  
10 from a student?

11 MS. KARRON: Objection to form.

12 THE WITNESS: Well, first of all,  
13 again, you have to -- you're dealing  
14 with five-year-olds, right. You have to  
15 make sure first that everybody is safe.  
16 That everybody is listened to and heard  
17 and immediately when it's something like  
18 that, you have to take action, you  
19 question the child. You go, you  
20 question the child. And depending on  
21 what the child says, if you feel she's  
22 in danger, obviously you are going to  
23 take a different route. If you feel  
24 that the child is okay and she's just  
25 verbalizing something that was said to

1 her, you say, "Okay. We're going to  
2 handle it this way. I'm going to  
3 contact parents and we're going to  
4 handle it internally with the parents.  
5 And with the students you have to talk  
6 to the students, you have to contact the  
7 parents, so there is a certain, you  
8 know, level of things you need to do  
9 depending on the severity and the  
10 situation at hand.

11 BY MR. MACDONALD:

12 Q. So, the first step in that policy is  
13 questioning the child?

14 A. The first is to ensure the safety of the  
15 child. That is the first step that you have to  
16 do, which is what I said.

17 Q. And then the second step after ensuring  
18 the safety of the child is to question the child?

19 A. Yeah. You have to first -- first of  
20 all, you have to find out what took place in  
21 order to make a determination of which way you  
22 have to go.

23 Q. And it's in the policy that says this?

24 A. That is correct.

25 Q. Does it describe the manner in which the

1 child is supposed to be questioned?

2 A. No, sir.

3 Q. And then what's the next step after  
4 questioning the child?

5 A. Depending on what the child, you know,  
6 indicates or informs you of, then you have to  
7 either -- you have to decide is this something  
8 that is maybe it's, "He took my pencil," or  
9 whatever. You then have to call in both  
10 children, do mediation. If it's something more  
11 extensive that you need to call the parent, then  
12 you call each and every one of those parents.  
13 You ask them to come in. It just depends on each  
14 individual case. So, if you need to contact or  
15 the next step or if you need to then take it to  
16 the main office and take it to administration,  
17 and let them know, hey, this incident occurred,  
18 you know, parents need to be called and then you  
19 proceed.

20 At that point, it just depends on who is  
21 reporting. If it's the teacher who is reporting,  
22 she's going to, you know -- if it's something  
23 internally -- remember these are little children.  
24 They are always like: "He pulled my hair." "She  
25 got my pencil." "He threw my stuff on the

1 floor." "He pushed me." "He called me a curse  
2 word." So, it just depends on each incident how  
3 it's handled.

4 And the policy doesn't tell you step, by  
5 step, by step, by step, by step of what you have  
6 to say, how do you say it. If it's something  
7 that needs to be investigated, we turn it over to  
8 the authorities who have to do a thorough  
9 investigation. That's not for us to do. We have  
10 to get the initial information and we have to  
11 ensure the safety of the child.

12 We have to ensure this to ensure that  
13 they continue to obtain their education. The  
14 whole thing is to effectively transition them to  
15 get access to their education. That's our job.  
16 If it's beyond that, then we have to --

17 Obviously every campus has a school  
18 officer on there -- that is there throughout the  
19 day. And if the case warrants -- I mean, it just  
20 be depends. If we have to call because we fear  
21 the child is in danger of their well-being and  
22 it's something that is going to affect them or  
23 that they were assaulted in any type of way, then  
24 you go through the Department of Children and  
25 Families. So, it just depends on the severity of

1 the situation at hand and what is communicated to  
2 us and what we have on hand at the school.

3 Q. What does the policy say specifically as  
4 to making a decision as to next steps after  
5 interviewing a child?

6 A. You have to make a determination if it's  
7 something, you know, minimal, if it's  
8 something -- what level of severity is it. And  
9 again, you refer back to the student code of  
10 conduct. There is five different levels.

11 If it's something, you know, did it  
12 disrupt your learning environment? And in this  
13 case it did. It disrupted the teacher having to  
14 go and prompt and ask the child, and, you know,  
15 go and get a translation from another employee so  
16 we can get the right communication. You know, it  
17 depends. If it stopped the learning environment,  
18 then it warrants, you know, "Hey let's call all  
19 parents at hand. Let's, you know, sit down and  
20 conference with the students, separate the  
21 students."

22 I mean, it depends on what are the next  
23 steps. You know, there are a lot of different  
24 next steps, and it does not delineate, step, by  
25 step, by step, by step because every single case

1 is individualized. I can't look at it as a  
2 whole. It's impossible.

3 Q. So, to clarify you're stating that there  
4 is no steps of procedures in the policy in the  
5 binder that the principals use?

6 A. There are steps to follow, but they're  
7 all very general. This is -- if this warrants  
8 that the communication -- if it's something -- I  
9 can't tell you if there is a pencil that was  
10 taken away from another child versus a child  
11 being stabbed with a pencil, those are two  
12 different actions that you have to take.

13 I can't tell you all the different types  
14 of actions that are going to take place, but  
15 first you have to ensure the safety of the child,  
16 then you have to question the child or, you know,  
17 get an understanding as to what is happening. If  
18 it warrants -- then you have to communicate with  
19 both parents. And then after that, if it's  
20 something that needs to be taken to the next  
21 level, then you go to the administration to  
22 handle this, right.

23 And then the administration takes over  
24 and starts her process: Calling the parents,  
25 bringing the parents out, you know, making sure



1       that the students are okay, that they're safe.

2               If there is a counselor on hand, the  
3 counselor is deployed to speak to the child. I  
4 mean, there are steps. And you'll see the steps,  
5 you know, step by step, but it just depends. Not  
6 every situation is going to warrant that. Not  
7 every situation is going to go beyond, "Okay.  
8 Are you safe? Are you okay?" "Can you return  
9 the pencil?" "Can you say I'm sorry?" Yes,  
10 those are the kinds of things that you have to  
11 rule out. You can't start a whole investigation  
12 for a stolen -- because, you know, you are there  
13 to ensure that the students obtain their  
14 learning. And that's really our job and to  
15 ensure their safety, right. And once you obtain  
16 and you determine that they're safe, then  
17 proceed.

18       Q.    So, I apologize if I'm not being clear.  
19 I'm not asking you about general experience or  
20 guidance on handling these topics. I'm asking  
21 you specifically about the Title IX policy on  
22 handling student complaints that is contained in  
23 the principal's binders.

24               Is there steps and procedures listed in  
25 that specific section?

1 A. There are, but they are very generic.  
2 They are not popular to every single piece.

3 Q. Okay.

4 A. It's impossible. There is no policy  
5 like that in place.

6 Q. Okay. So, there are steps, but they  
7 are --

8 A. There is a policy in place. There is a  
9 policy in place.

10 Q. So, I want to talk about those steps  
11 that are in place for that policy. You said, I  
12 believe, the first step is ensuring the safety of  
13 the child within that policy; is that right?

14 A. That is correct.

15 Q. And then the second step, I believe you  
16 said, had to do with interviewing or asking the  
17 child questions; is that right?

18 A. Well, the only way that you're going to  
19 be able to understand what is the situation is to  
20 ask the child what happened. You have to. There  
21 is no other way. If a child comes to you, you  
22 have to know, "Okay. Are you okay? Are you  
23 hurt? Are you injured?"

24 "No."

25 "Okay. So what happened?"

1                   After that you have to determine what  
2                   next steps to take.

3           Q.     And the policy says that you should  
4           interview the child; correct?

5           A.     You have to. You have to obtain the  
6           information. You need the information to get  
7           started.

8           Q.     Okay.

9           A.     So, you should. It doesn't say to  
10          interview. You don't have to interview a child.  
11          We don't interview a child. We ask the children  
12          questions. So, as an administrator, I'm not  
13          sitting there and interviewing and writing down  
14          questions and -- specific to this -- I say,  
15          "Papito, what happened? How do you feel? What  
16          happened? Did you fall? Did you get injured?  
17          Are you hurt?"

18                   Those are the kind of questions we do,  
19          but we don't sit there and interview a child  
20          asking them specific questions or probing them  
21          to, you know, try to obtain the information. No.  
22          "What happened? Tell me what happened."

23           MS. KARRON: One second. I think,  
24          let me try -- perhaps is it possible,  
25          Olivia, to get that policy now because I

1 think he's just asking you to tell him  
2 what it actually says in the policy.  
3 So, maybe if we could give that over as  
4 well, then maybe that would be helpful.

5 And stop me if you want, Kyle. I'm  
6 just trying to streamline this.

7 MR. MACDONALD: If you have it in  
8 front of you, that would be great.

9 MS. KARRON: Yeah, if you have it  
10 in front of you, maybe you just want to  
11 read the steps exactly as it says.

12 THE WITNESS: No, I just took the  
13 specific items, but I didn't take  
14 everything. No. It's just really to  
15 ensure the safety and well-being of the  
16 child. If there is an emergency, you  
17 have to call 911, obviously. If the  
18 child is hurt -- and that's what I'm  
19 saying. So, if there is an emergency,  
20 then you call 911.

21 BY MR. MACDONALD:

22 Q. Are you looking at a document right now?

23 A. I am.

24 Q. What is that document?

25 A. Based on my --

1 Q. What is that document titled?

2 A. It's just based on my notes, but I mean,  
3 I would have to leave the meeting and go and try  
4 to tell them to send it to you, but really it's  
5 just -- go ahead.

6 Q. Do you have the policy or procedure that  
7 you were just referencing in front of you? Yes  
8 or no?

9 A. I do. I do.

10 Q. What is that document titled?

11 A. It's the "Fiscal Policies and  
12 Procedures." So, under that fiscal policies and  
13 procedures, it's one section. And this one is  
14 just the steps for -- the steps you can follow  
15 when a sexual harassment is made or a sexual, you  
16 know, in this case is made.

17 Q. So, the document is titled "Fiscal  
18 Policies and Procedures"?

19 A. Yes.

20 Q. And is there a list of steps in the  
21 document you're looking at?

22 A. It says, "One, ensure the safety and  
23 well-being of the child."

24 Q. Okay.

25 A. "If there is an emergency, call 911."

1 "If you suspect abuse, neglect,  
2 immediately call Department of Children and  
3 Families.

4 "Four, notify the principal."

5 Again, this is when you suspect sexual  
6 harassment. In order to get to this step, you  
7 have to first talk to the child. If you don't  
8 talk to the child, you can't get to these steps.

9 Q. Hold on. I believe I got the second  
10 step. You said the first step is ensuring the  
11 safety of the child. And I believe the second  
12 one you said is if you suspect neglect or abuse;  
13 is that right?

14 A. Uh-huh.

15 Q. And what is the third step listed?

16 A. If you suspect child abuse or neglect,  
17 call the Department of Children and Families.

18 Q. Is that the second or the third step?

19 A. That is the third step.

20 Q. What was the second step? I missed that  
21 one.

22 A. If there is an emergency, call 911.

23 Q. And then you said the third one is about  
24 if you suspect neglect or abuse. What is the  
25 next one after that?

1 A. Notify the principal or your site  
2 supervisor.

3 Q. Okay. And then, the next step after  
4 that?

5 A. Then number five is what you do if the  
6 report involves an allegation of sexual  
7 harassment, by an adult or a student, it takes it  
8 to a level three. So at this point, if you've  
9 identified that the child said, "I was just yada  
10 yada," then you have to take it to a level three,  
11 and then you go to the student code of conduct,  
12 then you follow those procedures. Which okay,  
13 well, first of all, call the parents immediately.  
14 And the code of conduct tells you exactly what to  
15 do.

16 Q. And that was the fifth step; is that  
17 right?

18 A. That is the fifth step.

19 Q. Are there any steps after that?

20 A. Contact our compliance office.

21 (Disconnection.)

22 BY MR. MACDONALD:

23 Q. So now, going back because the court  
24 reporter missed this part of the deposition. You  
25 previously were reading from a document that you

1 had in front of you; is that right?

2 A. That is correct.

3 Q. And the document that you showed to the  
4 camera and that you had in front of you was, I  
5 believe, the compliance manual, Title IX  
6 Compliance Manual for Miami-Dade County Public  
7 Schools; is that right?

8 A. Uh-huh.

9 Q. And that was not a document of Academir  
10 Charter Schools' policies; is that right?

11 A. That policy is the same policy we have  
12 in our manual, in our manual for students. That  
13 is the same policy because we have to follow that  
14 same policy for students with the exception of  
15 reporting it to the Miami-Dade cops and reporting  
16 it to the Civil Rights Office because we have our  
17 own contact person here at Superior for the Title  
18 IX, and the police officers that we contact are  
19 our safe-school officers.

20 Q. And earlier when you were testifying  
21 about the principal's compliance manual that they  
22 have in their offices, and you referred to Title  
23 IX policies, were you referring to the Miami-Dade  
24 County Schools' policies?

25 A. No, I was referring to -- there's a



1 combination. We have to -- there are certain  
2 slides -- there's certain information that we  
3 have to have in our policy that encumbers  
4 everything that Miami-Dade has with the support  
5 services that we have, but we have to follow  
6 those things. We have to follow making sure that  
7 they are safe, if there is something that we need  
8 to notify the policy. We have to follow those  
9 things according to Miami-Dade public schools.

10 Now, when our guidelines are done, like  
11 I told you, there is a training, there is a  
12 meeting, they tell us, you have to insert all of  
13 these things and then plug in all of the  
14 additional information that you have for your  
15 organization, who to contact, who to call, who is  
16 responsible for this type of grievance, this type  
17 of grievance, and this type of grievance. And  
18 that is what we have to do. So, it's basically  
19 what they have and what we need to add to our  
20 policy. And that is what we -- that is what we  
21 have to upload into our policy plan. So we  
22 have -- all of our policies pretty much are like  
23 that because they have to align with the  
24 district, especially if we opt in to use their  
25 student code of conduct, their student

1 progression plan, their reading plan. All of the  
2 policy that's in there has to be Miami-Dade  
3 policy because that is the one that we opt in to  
4 use.

5 Q. But earlier you referenced a compliance  
6 binder that each principal has; correct?

7 A. Correct.

8 Q. And in that compliance binder, you  
9 stated there was a section on handling Title IX  
10 student complaints; is that right?

11 A. Correct.

12 Q. And that policy specifically, is that a  
13 policy that pertains specifically to Academir  
14 Charter Schools or is it the Miami-Dade County  
15 Schools' policies on Title IX?

16 A. It is a combination. You have the  
17 policy. You have to follow the policy of  
18 Miami-Dade County. You have to include that,  
19 especially when it deals with children because  
20 you have to follow their student code of conduct.  
21 I can't reinvent the student code of conduct and  
22 the steps that they require for students.

23 And what changes in our policy is who to  
24 contact, how to go about to complete the form,  
25 what steps to take for employees, and what steps

1 to take for vendors, but the student section has  
2 to be reflective of what they do with the  
3 exception of the cops because we don't report to  
4 their cops. What we do is we report it to Dade  
5 County Public Schools Charter office and who to  
6 contact at our office that is in charge of the  
7 Title IX grievances. Those are the two things  
8 that changed or three things that changed within  
9 our policy, but it has to reflect and mirror that  
10 of Miami-Dade County Public Schools.

11 Q. So, that section in the principal's  
12 compliance binder that refers to Title IX student  
13 complaints, is that identical to the article that  
14 you just read from Miami-Dade County Public  
15 Schools?

16 A. That particular section, yes, with the  
17 exception -- it's not identical, because I told  
18 you it's with the exception of the cops who --  
19 you know, obviously you have your safe-school  
20 officer and then your Title IX contact person.  
21 And then instead of contacting the cops for Dade  
22 County, you have, "contact the charter school's  
23 office."

24 Q. So, besides those changes that you just  
25 mentioned, it is otherwise identical to the

1 Miami-Dade County Schools' policies that you were  
2 reading off of earlier?

3 A. Yeah, that is correct.

4 Q. Are there any other policies in that  
5 binder pertaining to Title IX student complaints  
6 besides those ones that you just described now?

7 A. No.

8 Q. Outside of that binder that principals  
9 have, does Academir Charter Schools have any  
10 other Title IX policies regarding the handling of  
11 student complaints?

12 A. No. Outside of Title IX? Like, that  
13 has nothing to do with Title IX or that it does  
14 have to do with Title IX?

15 Q. Are there any other Title IX policies in  
16 place --

17 A. No.

18 Q. And you said those specific policies  
19 have been in place for several years that are  
20 contained in that compliance binder?

21 A. Yeah. We have to follow that. That is  
22 something that everybody has to follow because  
23 those are just the steps that will get you to the  
24 next level of what you need to do and your  
25 actions.

1 Q. And those are the same policies that you  
2 worked on with Esther Mir and Xenia Mir?

3 A. Yeah. Remember, these are -- it's not  
4 just the students. It's the employees, the  
5 contracts and the vendors, all of that stuff. We  
6 have to combine them and put them together.

7 Q. Does Academir adhere to the Miami-Dade  
8 County code of student conduct?

9 A. We do.

10 Q. And is that strictly enforced?

11 A. Yes. When we sign our contract and we  
12 get the charter school application, we have to  
13 opt in or opt out, depending on what we decide  
14 works best for us, and then those contracts are  
15 binded, they're executed by the board of  
16 Miami-Dade County and our governing board.

17 (Plaintiff's Exhibit No. 2 was  
18 marked for identification.)

19 BY MR. MACDONALD:

20 Q. I'll show you a document and share my  
21 screen. So, this document is Defendant's Bates  
22 labeled 153 to 227. I'm going to show you a  
23 specific section in a moment, but do you  
24 recognize this document that I'm showing you?

25 A. Yes.

1 Q. What is it?

2 A. The student code of conduct for  
3 elementary students.

4 Q. And Academir Charter Schools follows  
5 these policies you said; right?

6 A. Yes, sir.

7 Q. And I know you said elementary. Does  
8 that include kindergarten as well?

9 A. Yes. Elementary can be considered pre-K  
10 through fifth grade.

11 Q. And you're familiar with these policies?

12 A. Yes.

13 Q. I'd like to draw your attention to this  
14 page. It's Defendant's Bates labeled 196, the  
15 section titled "Sexual Harassment." I'll give  
16 you a moment to review it.

17 A. Uh-huh.

18 Q. You've reviewed that section there?

19 A. Yes, sir.

20 Q. Does Academir adhere to this policy  
21 written in this sexual harassment section?

22 A. We do. However, Miami-Dade County  
23 school police do not service Academir Charter  
24 Schools or any charter schools. We have our own  
25 office -- our own officers. So, we do not -- we

1 do not have to call the Civil Rights Compliance  
2 either, but they don't service us. That's not  
3 part of the charter school services. If a parent  
4 calls them, they would say, "Okay. You have to  
5 call the school and report it there."

6 We have our own governing board. We  
7 have our own stuff. This in particular, the  
8 sexual harassment, and I'm sure that towards the  
9 end of it, it defines what harassment is. And  
10 again, the procedures, we do have to do a SPAR.  
11 If it's determined, an investigation is made and  
12 is determined to have -- to be classified as  
13 sexual harassment, then you have to proceed with  
14 the SPAR and then complete an assessor report.  
15 Then there is a slew of things that you have to  
16 do if it gets to this level.

17 Q. And what is a SPAR?

18 A. It's a reporting system that  
19 administrators have access to where they're  
20 required to enter information once they get --  
21 the Miami-Dade Police Department does, I guess,  
22 an investigation and they'll give you a SPAR  
23 number. It's kind of like a -- that the incident  
24 was created and then you have to report it into a  
25 platform that the principals use that is called

1 DSIS. And then they enter the information that  
2 the incident took place and then you enter the  
3 information, but that triggers a lot of other  
4 stuff that you have to do.

5 Q. And the SPAR is that a paper form or is  
6 that an electronic form?

7 A. Usually, the police officers do an  
8 investigation. They give you a card with a SPAR  
9 number, and it's kind of like a report. And then  
10 you have to do it electronically.

11 Q. Okay. So, a police officer gives you a  
12 SPAR form?

13 A. So, no, they do a report form. So, it  
14 says the report -- to report these incidents,  
15 right, of this nature, the police will determine  
16 if a SPAR is required. A SPAR is an  
17 investigation. They do an investigation and then  
18 they -- well, not investigation. They kind of  
19 take the case and say, "Okay. I'm going to do a  
20 report." And then they generate a number that  
21 they give you and that triggers the next action.  
22 But the police have to determine if this is a  
23 case that merits to be looked at or not. If it's  
24 just something you need to bring in the parents,  
25 speak to the children and do away with it, or if



1 it's something that determines an investigation.  
2 And at that point, the next steps that you take  
3 are going to be very different.

4 Q. Now, since Academir doesn't use  
5 Miami-Dade Schools' police, who is the police  
6 department that makes that determination  
7 regarding the SPAR?

8 A. Miami-Dade. In this case they'll give  
9 you a -- just a -- a number. Right, just a  
10 number that you have to still enter into, like, a  
11 police report. Once it's -- it's not a police  
12 report, but it's a report that administrators  
13 have to complete after they are given a police  
14 report, which triggers everything else. A  
15 reporting to the state, the identification,  
16 what's going to happen, the next steps, is the  
17 child going to be expelled. It's just a number  
18 of different things that happen after that, but  
19 we -- go ahead.

20 Q. The Miami-Dade County Police Department  
21 makes the determination as to whether a SPAR is  
22 required for Academir Charter Schools?

23 A. No. The Miami-Dade police. I'm sorry.  
24 And again a SPAR is --

25 Q. Which --

1           A.    A SPAR is a term used for Miami-Dade  
2 County Public Schools. It's not typically  
3 something that the officer from Miami-Dade County  
4 is going to tell me, "Give me a SPAR number," but  
5 they are going to give you like a record number,  
6 and that is considered. So, when you fill out a  
7 form, it's either a SPAR or the number that you  
8 have to enter. That's it. But the SPAR is  
9 really for them. It's a term that they use when  
10 the officer determines if this warrants further  
11 investigation or the action to be taken.

12           Q.    So, I'm asking about Academir Charter  
13 Schools and you mentioned a SPAR.

14                   Does Academir Charter Schools use that  
15 SPAR form? Yes or no?

16           A.    We don't use the SPAR because it's a  
17 term used for Miami-Dade County Public Schools.  
18 We do complete that in our dashboard. So,  
19 through the DSIS, once they go into the principal  
20 portal, there is a report that you fill out if  
21 there is -- if you are given a report, if an  
22 investigation is initiated. It's not something  
23 that we just go and enter and we get a SPAR  
24 number. It does not work like that.

25           Q.    So, Academir Charter Schools does not

1 use a SPAR form; correct?

2 A. No. Right now, no.

3 Q. Okay. Is there any form that's specific  
4 to Academir that is used instead of a SPAR form?

5 A. No, what it is, what we have is -- if  
6 there is an incident, it's a dual form. You have  
7 an incident/injury report. You identify if this  
8 was an incident or an injury. It's a report to  
9 track, you know, something that took place so we  
10 can keep documentation that parents were  
11 notified, what was reported to us, and what took  
12 place. If somebody falls, hurts their knee,  
13 whatever, did we call fire rescue. So, it just  
14 depends. So, it kind of denotes or outlines all  
15 of the steps that were taken for students.

16 Now, if the police is involved, then we  
17 know police was called. And then from there, the  
18 police take over. And then they usually generate  
19 a number, whether it's the police or the fire  
20 rescue, they come and they'll give you a number  
21 so that you can enter and make sure that you keep  
22 record of it.

23 Q. You mentioned a form pertaining to  
24 accidents; what is that called?

25 A. It's called the "Accident Injury

1 Report." I don't have it with me, but it's the  
2 Academir Charter School "Accident Injury Report,"  
3 which is, I believe, what the school did for this  
4 case.

5 Q. Okay. Now, looking at this policy,  
6 under the second sentence it says, "Upon  
7 receiving a report of an incident sexual in  
8 nature involving a student, employee, or  
9 applicant, school or worksite administrators must  
10 contact the MDCPS Office of Civil Rights  
11 Compliance."

12 A. Uh-huh.

13 Q. Are Academir employees required to  
14 contact the MDCPS Office of Civil Rights  
15 Compliance upon receiving a report of an incident  
16 that is sexual in nature?

17 MS. KARRON: Objection to form.

18 THE WITNESS: Academir are not  
19 employees of Miami-Dade County Public  
20 Schools, so they would not contact that  
21 office. They would contact our HR  
22 department.

23 BY MR. MACDONALD:

24 Q. Okay. So, upon receiving a report of an  
25 incident sexual in nature involving a student,

1 employee, or applicant, Academir employees have  
2 to contact HR?

3 A. Employees. Dealing with employees  
4 particularly for our schools that are -- are  
5 adults. Now, the students, they have to go  
6 through the -- through a different process. They  
7 don't go through this. They have to first follow  
8 those other steps that I read to you earlier.

9 And this is for sexual harassment. This  
10 is when you've identified the situation at hand  
11 to be a harassment case, depending who is taking  
12 it. If it was something that was said, minor,  
13 something that was, "Oh, I like you," you know,  
14 kids. Every case can't be treated as a sexual  
15 harassment case.

16 Q. Well, I'm asking you specifically about  
17 sexual harassment policies, that's why we're  
18 looking at that section.

19 So, in the event of a report of a sexual  
20 incident involving a student, who are Academir  
21 employees required to contact?

22 A. So, the personnel that I read to you  
23 earlier. And the steps that they take where they  
24 first contact and communicate with their -- with  
25 their school principal. Once that is done and

1 the school principal determines that this is a  
2 sexual harassment issue, then she contacts us or  
3 the employee contacts us and we move forward the  
4 support for them. And we could launch an  
5 investigation, but it just depends on --

6 Q. So, the principal is the first person  
7 that Academir employees are required to contact  
8 upon receiving a report of a sexual incident  
9 involving a student?

10 A. That is correct.

11 Q. Okay. After --

12 A. Or the supervisor at hand. In this case  
13 they have -- remember, there's two campuses; they  
14 have a PLC and they have a main campus. The PLC  
15 has an assistant principal, a lead teacher there  
16 that handles it. It's either the principal or  
17 the supervisor at that moment, that person is the  
18 first person that would reach that information.  
19 Obviously, if she's not able to handle it and she  
20 sees this is an actual sexual harassment, she  
21 will then contact her principal.

22 And in this case, you'll see it.  
23 Obviously, it's Ms. V, who is the person in  
24 charge there at that time that the incident took  
25 place.

1 Q. And who is Ms. V?

2 A. Ms. Valladares.

3 Q. And who is that?

4 A. She is an assistant principal for  
5 Academir Charter School West.

6 Q. So, it's either a principal or an  
7 assistant --

8 A. Or supervisor. Well, a supervisor,  
9 whoever is that person in charge there at that  
10 time. And in this case, my teachers or the  
11 teachers would go to their supervisor, which is  
12 the assistant principal in charge of the PLC at  
13 that time.

14 Q. Who else would be a supervisor besides a  
15 principal or an assistant principal?

16 A. The principal runs the school; that is  
17 her job. She is the ultimate decision-maker at  
18 that school. Once that happens and they feel  
19 that they need the intervention of our compliance  
20 aspect of it, she contacts us and says, "Hey, I  
21 have a case. A parent is alleging this," or, "An  
22 employee says that this happened."

23 Obviously, if it's an employee with a  
24 student or anything like that, then we call the  
25 cops immediately and we turn it over to them and

1       they start and they take over the investigation,  
2       but the principal will always contact our office.

3           Q.     You mention they have to contact the  
4       supervisor. So, I'm asking you:

5                   Who else besides an assistant principal  
6       or principal could be a supervisor?

7           A.     That's it. They would contact us  
8       because the steps say contact the principal,  
9       right, or their immediate supervisor. So it's  
10      somebody at the school level --

11          Q.     What steps?

12          A.     The steps of identifying if the child is  
13      safe; do they need to call the police or -- I  
14      think it's step four in the process where they  
15      contact either -- if it's a teacher, they have to  
16      contact their principal or their immediate  
17      supervisor at the time.

18                   And in this case it was Ms. Valladares.  
19      And then, Ms. Valladares contacted her  
20      supervisor, which is the principal.

21          Q.     And when you say steps, you're referring  
22      to the Miami-Dade County Schools Title IX  
23      compliance manual that you were reading from  
24      early?

25          A.     Correct. Correct, for students only.



1 Q. Okay. Now, looking back at this  
2 document, after an Academir employee learns of a  
3 sexual incident involving a student, do they  
4 conduct an intake?

5 MS. KARRON: Objection to form.

6 THE WITNESS: So, when the  
7 employee -- and that's why I said, you  
8 have to ask questions. "What happened?  
9 Where did this take place? Can you  
10 explain?" And then you determine what  
11 next steps the employee has to do in  
12 order to help the child and ensure that,  
13 you know, they take the correct action,  
14 if it's notifying the police, if it's  
15 going to their supervisor, or if it's  
16 just something the teacher can handle by  
17 talking to the students, by calling  
18 their parents, you know, calling the  
19 counselors. There are different steps  
20 that they know they have to take.

21 The first thing that you have to do  
22 after you ensure that they are safe and,  
23 you know, before calling the police,  
24 "Hey. Are you okay? What happened?"  
25 You have to get that, especially from

1 little children. You're not treating  
2 them like adults or like as if this is a  
3 crime. You're talking about two  
4 five-year-olds and you have to treat  
5 them accordingly. Just like they asked  
6 the little girl -- I'm assuming they  
7 asked the little girl questions. They  
8 had to have asked the little boy  
9 questions. You have to --

10 BY MR. MACDONALD:

11 Q. I'm asking you generally about Academir  
12 Charter School's policies. I'm not asking you  
13 about any particular --

14 A. Yes, they have to ask the question.  
15 They have to ask questions. Is there an intake  
16 form that they fill out? They don't fill out an  
17 intake form. You know, while they're completing  
18 their form that they have of the incident,  
19 they're writing down what the child said, or if  
20 there is a witness, they write down the witness  
21 told me X, Y, and Z. So, the teacher or whoever  
22 is reporting it has to write it down on the form,  
23 but we just need to know what happened. There is  
24 not an official intake form for it.

25 Q. But I'm trying to understand, earlier

1 you testified that Academir Charter Schools  
2 follows this specific policy. So, I'm trying to  
3 go through these steps to understand which of the  
4 these policies, or steps in this policy rather,  
5 that Academir adheres to. So, I'm just trying to  
6 understand that.

7 So, we discussed who has to be called  
8 when they learn of a sexual incident. The next  
9 part listed here is about an intake.

10 So, is an intake conducted by Academir  
11 employees upon learning of an incident that is  
12 sexual in nature involving a student?

13 A. I cannot call it an intake. I can call  
14 it a -- the incident form they have.

15 Q. So no intake is conducted. They do an  
16 incident form?

17 A. They do an incident form. That is  
18 correct.

19 Q. And then listed here it says that the  
20 next step is, "Determining whether the report if  
21 proven to be true, would meet the definition of  
22 sexual harassment"?

23 A. Correct.

24 Q. And is that a step that Academir  
25 employees also follow in handling complaints?

1           A.     That is correct.

2           Q.     And then it also references "the  
3 grievance procedures outlined in the Office of  
4 Civil Rights Compliance Title IX Sexual  
5 Harassment Manual procedures related to reports  
6 of sexual harassment."

7                     Do you see that?

8           A.     Yes, and that is where we go back and we  
9 follow their procedures with the exception of  
10 calling the Civil Rights Compliance because that  
11 doesn't pertain to us and we have to have our own  
12 procedure in place in-house, but all the other  
13 processes of okay, did you follow these steps,  
14 that is what we have to follow from Miami-Dade  
15 County Public Schools.

16          Q.     So, Academir employees also reference  
17 that same manual and utilize it in handling  
18 complaints; correct?

19          A.     Correct.

20                 MS. KARRON: Kyle, do we know how  
21 much longer you have, just to  
22 determine -- I know we've been going for  
23 like two and a half hours -- for a lunch  
24 break?

25                 MR. MACDONALD: Yeah, once I finish

1 with this policy in this handbook, then  
2 we can go ahead and take a break. I  
3 should be done pretty soon here.

4 BY MR. MACDONALD:

5 Q. So, in this next paragraph here, it  
6 discusses that reports of incidents that are  
7 sexual in nature have to be reported to  
8 Miami-Dade schools' police, to determine if a  
9 SPAR is required.

10 Now, I understand Academir doesn't use a  
11 SPAR report. We talked about that earlier.

12 Are Academir employees required to  
13 report that, report incidents that are sexual in  
14 nature to the police?

15 A. If it's determined to be -- if it's  
16 determined to be something of abuse or neglect,  
17 absolutely.

18 Q. Only if it's determined to be abuse or  
19 neglect, would it --

20 A. If you feel that the child was abused or  
21 neglected, absolutely you have to report it. It  
22 is our duty to report.

23 Q. I'm asking if all incidents that are  
24 sexual in nature are reported by Academir to  
25 police or only those involving abuse or neglect?

1 MS. KARRON: Object to form.  
2 Perhaps you can define "sexual in  
3 nature."

4 MR. MACDONALD: That is what the  
5 policy says that she stated the school  
6 adheres to.

7 THE WITNESS: So, here, the "sexual  
8 in nature" -- again, if -- "Hey, you're  
9 pretty. I want to kiss you." Those are  
10 the things that you don't report, and  
11 those could be considered sexual in  
12 nature. So, it just depends on the  
13 severity.

14 If you ask the child and say, "Hey,  
15 did he touch you? Did he do something  
16 to you? Are you hurt? Are you  
17 injured?" And the child says yes, then  
18 absolutely without a doubt we call the  
19 police because the child was abused in  
20 any, you know, kind of, shape, way, or  
21 form.

22 But if the child says, "No, he just  
23 said something to me," and it's an  
24 isolated incident and it's not a pattern  
25 and the child is fine and is playing,

1           you know, moves on five minutes later  
2           and is playing and is fine and is there  
3           the rest of the day and has no  
4           complaints and is not crying --  
5           typically when a child comes and is  
6           crying and is grieved by something that  
7           has been done to them and -- children  
8           are very expressive. Children will tell  
9           you everything. And they'll tell you,  
10          you know, "He touched me. He hit me.  
11          I'm upset."

12                 And you know, if the child is  
13           saying, okay, you know, "He said he  
14           wanted to kiss me," or "He wanted to do  
15           this," you understand that it may be  
16           sexual in nature, but it's not something  
17           that warrants us to call the police.  
18           You know, it warrants us to reach out to  
19           the parents, to speak to the children.  
20           And if, you know, we determine or we see  
21           that this is something that really could  
22           have happened or that the child is so,  
23           you know, upset that something must have  
24           happened, without a doubt.

25                 But in this case, again, it's

1 just -- the "sexual in nature" has a  
2 very broad spectrum in education in  
3 children and young children. You know,  
4 but it's -- but you have to -- typically  
5 those cases where abuse, if we find, you  
6 know, things that the kids are doing,  
7 saying continuously, a teacher knows.  
8 You have -- there's a certain level of  
9 behavior that these children display on  
10 a day-to-day basis.

11 And, you know, sometimes, you know,  
12 again, like I told you before, if it's,  
13 "They took my pencil." "He pinched me."  
14 Those are things that happen amongst  
15 children, but if you determine as a  
16 teacher, as an educator, as a principal  
17 that the child just said this and you,  
18 you know, verified, "Are you sure? Were  
19 you touched?"

20 "No. No. I wasn't touched. He  
21 just told me that."

22 Then you're not going to call the  
23 police because they don't -- they're not  
24 going to do the SPAR, you know.

25 Now, if they see, and, you know --



1 if you can actually see that there was  
2 abuse and something took place, without  
3 a doubt, the first thing in the minds of  
4 administrators or the process or the  
5 procedure is to call the police.

6 BY MR. MACDONALD:

7 Q. Okay. So, not all reports of incidents  
8 that are sexual in nature are required to be  
9 reported to the police by Academir employees?

10 A. That is correct.

11 Q. Only when an Academir employee suspects  
12 abuse or neglect are they required to contact the  
13 police department; correct?

14 A. Well, not an employee. If it goes  
15 through and you have four different employees,  
16 you know, that go through this and, you know, if  
17 the child tells you, "No, he just told me  
18 something," and makes her feel uncomfortable --

19 Obviously, these are five-year-olds.  
20 You have to take every situation differently. If  
21 it's a fifth grader telling a student that, then  
22 you're like -- the severity is very different.  
23 But when you have children who may not even  
24 express and tell you specifically the name of an  
25 area in your body, just say, "He wants to kiss me

1 and he wants to touch me."

2 Kids are going to be kids. And  
3 kindergartners, you know, they're babies. So,  
4 you have to treat them accordingly. You're not  
5 just going to say, "Okay. I'm going to" -- and  
6 you have to look into the situation before making  
7 that determination of calling the police. It's  
8 on a case by case.

9 Q. I'm not asking you about any specific  
10 scenario. I'm not referencing five-year-olds or  
11 kindergartners. I'm just asking about Academir  
12 policies which you're here to testify about.

13 In what cases are Academir employees  
14 required to report incidents that are sexual in  
15 nature to the police?

16 A. When they suspect there is abuse. If  
17 there was physical abuse or, you know, an action  
18 taken or a series of harassment where the child  
19 themselves is visibly and physically impacted by  
20 the situation, we, without a doubt, without a  
21 doubt you have to say, "Okay. Something must  
22 have happened for this child to be so upset at  
23 the situation. So something, you know, must have  
24 happened." There are behaviors that the child  
25 displays. But if the child just says, "They did

1 this to me," and then continues on her way like  
2 nothing ever happened -- it's like that. One  
3 minute they're fighting; the next minute they're  
4 best friends. So, you have to determine as an  
5 administrator, as a leader, "Okay. Does this  
6 warrant the next step for me to get everybody  
7 involved?"

8 Q. Okay. Are there any cases outside of  
9 suspected child abuse or neglect in which an  
10 Academir employee is required to contact the  
11 police after learning of an incident sexual in  
12 nature?

13 MS. KARRON: Object to form.

14 THE WITNESS: Yes. Specifically  
15 when a child says an adult touched them,  
16 says that their panties were removed, or  
17 it's something that a child would not  
18 know to say or do or is displaying  
19 specific behavior. Typically it's that.  
20 You say, if that child is saying, you  
21 know, her dad was with her in the shower  
22 or that her stepfather undressed her or  
23 vice versa, the boy, that his babysitter  
24 touched him. When a child tells you  
25 that an adult has done this to them or

1           that their teacher touched them  
2           inappropriately, you call -- you launch  
3           full-blown, you know, mode of the  
4           police, the Department of Children and  
5           Families. Those are the kind of, you  
6           know, allegations right then and there  
7           that we don't even think about because  
8           you can't -- you're -- at that point you  
9           know that -- and you don't know, but you  
10          have to make sure that you are looking  
11          out for the safety of the child. And if  
12          something is happening, you're held  
13          liable because that child shared  
14          something with you that took place or  
15          might have taken place or that she was  
16          exposed to or he was exposed to.

17       BY MR. MACDONALD:

18           Q.     And you said something that a child  
19           would not -- strike that.

20                    You said something that a child would  
21           not know --

22           A.     Typically.

23           Q.     What does that mean?

24           A.     Like they say specific names of their  
25           genitals or that they were touched in an area

1 that -- something hurts down there because her  
2 stepdad got into her bed, whatever.

3 There are so many different cases and  
4 situations and stuff you'll see.

5 Or "My back hurts because my mom whipped  
6 me yesterday," or "I'm hungry because they didn't  
7 give me food last night." So those are, you  
8 know, key things that you're just like -- or you  
9 see bruises or you see something specific that,  
10 you know, the child comes and he looks or she  
11 looks not her usual self and may say things or  
12 may be depressed. There are things that kind of  
13 alert you as an educator to say there may be  
14 something. Typically, if there is something like  
15 that, they'll communicate with their  
16 administrator and, you know, they'll proceed, you  
17 know.

18 Q. Would that include knowledge of sexual  
19 acts that a child of that age should not know  
20 about?

21 MS. KARRON: Objection to form.

22 THE WITNESS: It depends.

23 BY MR. MACDONALD:

24 Q. What does it depend on?

25 A. On a case by case. It depends on a case

1 by case. There are some kids -- and I know that  
2 because as a principal for many years -- some  
3 kids will say, "pipi" "toto" and they say all  
4 kinds of things because their parents say that or  
5 private parts. "No me mira mis partes privadas."  
6 "Don't look at my private parts."

7 Like, they know specific things, but,  
8 you know, when it's sexual in nature, typically,  
9 you know -- and again, kids, if they see -- if  
10 they, you know, see something on TV or they see  
11 their dad touching their mom, they are like, "Oh,  
12 that's okay for me to do. I like this girl; I'll  
13 grab her butt." Especially five-year-olds, where  
14 they are inquisitive, and they'll tell you  
15 specific things, like, "I like you. I want to  
16 kiss you," but when they start acting upon them  
17 and, you know, you see other signs then you'll be  
18 like, "Oh, Okay. There is something happening,"  
19 but when it's -- sometimes the kids will say "Oh,  
20 I want to kiss you," you don't get alerted  
21 because sometimes that is just -- they're  
22 children and they're exploring. However, you do  
23 see a difference and that is why you have to ask.  
24 "Did this person do this to you? Did they not do  
25 this to you?"

1           And then if they did, then obviously  
2 everything changes for the school, and the way  
3 they're going to react.

4           But sometimes kids say, you know, things  
5 and it depends on their parents. Again, I bring  
6 it back to the parents because some parents are  
7 very open; whereas, you know, I'll have a little  
8 boy going to the bathroom, take down his pants  
9 and just start peeing there in front of everybody  
10 and doesn't care. And others say, "No, I'm not  
11 going to show you my private parts. I'll go into  
12 the stall." They will not go to the bathroom in  
13 a urinal; they will go into the stall. It all  
14 depends.

15           And again, it's their upbringing and how  
16 they are. If their parents are, "Don't worry  
17 about it. Show everyone your pipi." Or they  
18 take them to the beach and they're naked and  
19 they're okay with it -- not other parents. Other  
20 parents are like, "No. You have to wear a  
21 bathing suit because you have to cover your  
22 private parts."

23           So, every child is different, but there  
24 are children that stand out for specific things,  
25 for specific behaviors and actions that prompt

1 you to say, "There is something happening"  
2 sometimes. Sometimes you're wrong. Sometimes  
3 their parents are just like that and he sees it.  
4 And others times there may be something happening  
5 in the home where the child is, you know, being  
6 molested or touched or, you know, exposed to  
7 things that they typically aren't at that age.

8 Q. Now, looking back at this policy, in the  
9 last paragraph it says, "A finding of sexual  
10 harassment under the code of student conduct  
11 cannot be made and corrective strategies for  
12 sexual harassment may not be implemented without  
13 the express authorization of the District's Title  
14 IX Coordinator or designee."

15 Do you see that?

16 A. Yes.

17 Q. Does Academir Charter Schools adhere to  
18 that specific aspect of the policy?

19 A. Well, we don't -- we do have a Title IX  
20 and we work with them here, myself and my team.  
21 We work with them to ensure that, you know, that  
22 the investigation is fully done before having to  
23 take some of these actions. You can't expel a  
24 child. Remember, these are public school  
25 children, and until you have a complete



1 investigation and you have all of the pieces  
2 together, and it is determined, "Okay, this child  
3 did commit this," then you go ahead and you  
4 suspend and you follow the student code of  
5 conduct.

6 Or if it warrants something, you know,  
7 terrible where it's a level, you know, three or  
8 above that you need to expel and you need to go  
9 through a different process, we just ensure that  
10 everybody that is going through this process,  
11 especially, you know, young children that, you  
12 know, that you don't interrupt their educational  
13 program or activity that they're -- that they  
14 should have access to under the Title IX. You  
15 just don't go by --

16 Q. I don't mean to cut you off. I'm just  
17 asking if Academir Charter Schools follows this  
18 last section of the policy that I just read to  
19 you.

20 A. We follow the student code of conduct  
21 and then with the support from the Title IX as it  
22 relates to, you know, the strategies that need to  
23 be taken.

24 Q. You're not answering my question.

25 Is a finding of sexual harassment under

1 the code of student conduct prohibited from being  
2 made until a Title XI coordinator or their  
3 designee is contacted, like it says in this  
4 policy, for Academir employees?

5 A. Well, they contact us, but remember that  
6 you're reading something where Dade County public  
7 schools has their Civil Rights Compliance person  
8 that tells them exactly what to do. We don't.

9 We provide the support. We engage once  
10 there is complaint from, you know, beyond -- that  
11 cannot be taken care of at the school, we take  
12 care of the support for that, but we don't have  
13 that Title IX person that says, "No, you cannot  
14 move on until you communicate with them."

15 Yes, they contact us through the process  
16 so we can provide the support and guidance and  
17 take care of it after the fact that, you know,  
18 they were not able to take care of it, but really  
19 it's the authorities at that point.

20 The authorities are the ones that take  
21 precedence and come in and say, "Okay. This  
22 child needs to be removed" or "this child did  
23 commit this crime," or "did not commit this  
24 crime," or "This is not a crime and just proceed  
25 with your student code of conduct." So --

1 Q. Is that a no?

2 A. So, I can't say in its entirety that we  
3 do because there is a section in here that we  
4 cannot follow because we do not have that.

5 Q. Does Academir have a Title IX  
6 coordinator?

7 A. We do.

8 Q. Who is it?

9 A. We have three coordinators. We have the  
10 three people that they go to for specific things.  
11 Xenia is for employees, myself is for students  
12 and parents, and then Ms. Mir, which is for all  
13 others -- vendor and all others. So, let's say  
14 that they --

15 Q. So I want to go through those.

16 You said Xenia?

17 A. -- for employees.

18 Q. Okay.

19 A. And staff. And myself for parents and  
20 students.

21 Q. I don't believe that is what you said  
22 previously.

23 A. I did. I've always said that.

24 Q. You're the Title IX coordinator for  
25 employees and students?

1 A. Yes.

2 Q. Are there any other Title IX  
3 coordinators for students of Academir Charter  
4 Schools besides you?

5 A. No.

6 Q. When did you become the Title IX  
7 coordinator?

8 A. When we developed the plan a couple of  
9 years ago. We had to delineate these roles. We  
10 had to set this up because Dade County --  
11 remember, I told you we had the training and we  
12 had to set up who is going to be responsible for  
13 what and our HR --

14 Q. When was that?

15 A. I don't know. Two years ago when I came  
16 aboard.

17 Q. Two years ago you became Title IX  
18 coordinator?

19 A. Yeah, or a year later when we started  
20 revising the policies.

21 Q. Okay.

22 A. When we knew that we had to break it up  
23 before and there was only one person, but now we  
24 broke up because last year we had the training  
25 and they're like, "You have to have these

1 specific things in place."

2 Q. Is your status as a Title IX coordinator  
3 documented anywhere?

4 A. Just in the plan. It will say who to  
5 contact for different things.

6 Q. What plan?

7 A. Within our policy, it tells you who to  
8 contact for all of the different areas. So,  
9 you'll see Xenia is for any employee -- any  
10 faculty and staff; myself with parents; and  
11 Ms. Mir for the vendors and the contractors.

12 Q. Which policy states that you are the  
13 Title IX coordinator for Academir students?

14 A. It doesn't say I'm the coordinator. It  
15 just says I'm the contact person.

16 Q. For Title IX purposes?

17 A. Yes.

18 Q. Where does it say that?

19 A. In one of the pages of the policy where  
20 it says who to contact for faculty and staff  
21 issues, for parent and student issues, and then  
22 for --

23 Q. Okay. What policy is that that you're  
24 referring to?

25 A. Title IX.

1 Q. What Title IX policy?

2 A. The one that we have on file for the  
3 schools.

4 Q. Okay. What policy for Title IX do you  
5 have on file? Where is it located?

6 A. I'm not following. I told you in the  
7 policies and procedures. In the policies and  
8 procedures manual or that section of the manual,  
9 you have who to contact for what type of  
10 complaint under Title IX. You have the people  
11 that are identified there.

12 Q. Okay. You're referencing a document.  
13 Policies and procedures that list you as the  
14 Title IX coordinator for students and --

15 A. It does not list me as the Title IX  
16 coordinator. It's the contact person for Title  
17 IX under students and parents, complainants.

18 Q. Okay.

19 A. Or when they have a complaint, correct.

20 Q. Okay.

21 A. And then for Xenia. So, you'll see her  
22 name, you'll see her name and you'll see  
23 Ms. Mir's name.

24 Q. Okay. What is that document that you  
25 just referenced? What is that titled?

1           A.    It's under the fiscal management and  
2           procedures. Those are the same procedures that  
3           we have for all Academir schools.

4           Q.    You said "fiscal management and  
5           procedures"; correct?

6           A.    Correct.

7           Q.    Is that the same document that you read  
8           from earlier in your deposition?

9           A.    No.

10          Q.    Okay. What document is titled "Fiscal  
11          Management and Procedures?" Where is that  
12          located?

13          A.    It's the policies that the schools have  
14          to follow all of the things, from management of  
15          funds, to enrollment, to everything. And one of  
16          those policies is the Title IX and the procedures  
17          to follow for each.

18          Q.    You're not answering my question.

19               Where is that policy located?

20          A.    It's located at each school. I told you  
21          earlier that it was located at each school. We  
22          have the policy here.

23          Q.    Okay. But earlier when you referenced a  
24          policy related to fiscal management, you later  
25          ended up reading from the Title IX compliance

1 manual of --

2 A. Correct, because I had that one with me,  
3 and I knew that that particular policy was for  
4 students, similar to the one that we have with  
5 the exception of the cops and the Civil Rights  
6 Compliance office.

7 Q. Okay.

8 A. That policy is the one that we have to  
9 follow for students.

10 Q. Okay. So I just --

11 A. Sorry. They wouldn't contact the  
12 District Title IX. They don't contact that  
13 because that is not part of the charter.

14 Q. So, I just want to make sure I  
15 understand your testimony clearly. There is a  
16 policy that exists at each Academir Charter  
17 School that discusses fiscal management and  
18 within that it discusses your status relating to  
19 Title IX matters that is separate from the  
20 document that you read from earlier?

21 A. Yes. The document that I read from  
22 earlier belongs to Miami-Dade County Public  
23 Schools. We, when dealing with students, we have  
24 to follow the Dade County public schools  
25 policies. So, that policy has to be followed



1 with students for the Title IX. That has nothing  
2 to do with our contact. When we add our contact  
3 to the actual Title IX, what it means -- what if,  
4 you know, sexual harassment, all of that, who to  
5 contact for complaints about, you know, faculty  
6 and staff, for students and for, you know, others  
7 you have who to contact and what steps to follow.  
8 That is part of the policy.

9 Q. And for the school that my client  
10 attended, where would that policy be located that  
11 you just described? Is it in Ms. Bello's office?

12 A. In her binder.

13 Q. In whose binder?

14 A. Ms. Bello's binder. Every principal,  
15 every school has a binder with all of their  
16 policies.

17 Q. So, Ms. Bello -- and this is your  
18 testimony today that Ms. Bello has a binder and  
19 within it there are policies and procedures that  
20 list you as the Title IX coordinator for Academir  
21 Charter Schools; is that correct?

22 A. That's correct.

23 Q. Okay.

24 A. But I'm not the Title IX coordinator.  
25 But I'm the contact person for them.

1 Q. I'm sorry. That list you as the contact  
2 person for Title IX; is that correct?

3 A. For students -- for parents and  
4 students.

5 Q. I'm asking you about for Title IX  
6 purposes and that is what you testified to.

7 A. Correct, for parents and students.  
8 Because you're saying general Title IX and I'm  
9 not in charge of general Title IX. You have  
10 Xenia, you have myself, and you have Ms. Mir for  
11 Title IX. So, for students that is the person  
12 she has the contact for. For her staff, she has  
13 Ms. Xenia, who is also on that same form.

14 Q. So, is it your testimony now that you  
15 are not the individual responsible for Title IX  
16 matters relating to students?

17 MS. KARRON: Object to form.

18 THE WITNESS: I am.

19 MS. KARRON: I think that -- and I  
20 don't want to interrupt you at all and  
21 you can strike this if you want. I just  
22 want to help clear it up because she's  
23 saying that she's the coordinator  
24 dealing with students and parents.  
25 There's --

1 MR. MACDONALD: Okay. I'd like for  
2 her to just finish her answer. We'll  
3 break in a moment.

4 BY MR. MACDONALD:

5 Q. So, in that binder that Ms. Bello has in  
6 her office, are the words "Title IX" listed  
7 anywhere in that document?

8 A. Yes. Yes, they are.

9 Q. And it lists you as the contact person  
10 for Title IX matters relating to students;  
11 correct?

12 A. Correct.

13 Q. And how long has that document existed  
14 for that lists you as the point contact for Title  
15 IX matters for students?

16 A. I want to say last summer or the summer  
17 before. I can't recollect when that was  
18 published or put out.

19 Q. And that could be found under a section  
20 relating to fiscal matters you said?

21 A. Yes.

22 Q. What does that binder look like?

23 A. I don't know. It's a long compliance  
24 binder that they all have to carry that has all  
25 of their policies, all of their manuals, their

1 handbooks, everything that they need on the  
2 day-to-day operations, they're going to have it  
3 there.

4 When we do our compliance visit with the  
5 district, the district also asks them to please  
6 show them their manuals, their handbooks, their  
7 policies. When we do county accreditation, they  
8 have to show them all of the policies and they  
9 typically tend to hold them in a binder.

10 I don't know what each one looks like.

11 I know that we say, "Hey, make sure you  
12 add this to your binder. Make sure you add this  
13 to your policies."

14 Anything that is updated, you know, we  
15 send out on an annual basis. Their faculty  
16 handbook and manuals, they should also be kept  
17 there under one of the tabs. They get evaluated  
18 on a yearly basis -- or not evaluated, but they  
19 do a site visit for compliance at the district  
20 level and they have to show all of these  
21 documents. So, they keep them, you know, in a  
22 binder, typically and it may be multiple binders  
23 because there is a lot of, you know, documents,  
24 policies, and procedures and they're all kept in  
25 binders.

1 I can't tell you exactly what her binder  
2 looks like. I don't know. Well, I haven't --

3 Q. Have you ever seen one of these binders  
4 before?

5 A. Yes, because I used to be a principal so  
6 I had my binders for compliance.

7 Q. Have you ever seen any principal at  
8 Academir with one of these binders?

9 A. Yes.

10 Q. And what did it look like?

11 A. Three-ring binder, typically black with  
12 labels, tabs.

13 Q. Okay. And who had this binder when you  
14 saw it?

15 A. Principals in the office, typically in  
16 their office.

17 Q. Which principal?

18 A. Ms. Bello, Ms. Ortega, Ms. Triana  
19 (phonetic). You know, when I do my site visits,  
20 their binders are there.

21 Q. And you've seen Ms. Bello's binder  
22 before with these policies and procedures;  
23 correct?

24 A. Uh-huh.

25 Q. Was it black as well?

1           A.    I don't remember if it's black and  
2 white, but I'm not sure, but -- I can't recall.

3           Q.    Where does she store it in her office?

4           A.    She has a shelf. Well, they all have  
5 shelves and they're all there. All her binders  
6 are there.

7           Q.    It's on a shelf in her office; correct?

8           A.    Correct.

9           Q.    Okay. And is it one binder or more than  
10 one binder that contain these policies related to  
11 Title IX?

12          A.    One binder would be the one that has  
13 Title IX. I can't tell you which one she has it  
14 in, but she has many binders in her office and  
15 one of them has the section on Title IX.

16               MR. MACDONALD: Well, I'm going to  
17 go ahead and ask on the record that you  
18 provide that to the attorneys for  
19 Academir so they can give one of these  
20 binders to us because they haven't been  
21 produced in this litigation, just so you  
22 know.

23               All right. We can go ahead and go  
24 and take a lunch break, so let's go off  
25 the record.

(Lunch recess.)

BY MR. MACDONALD:

Q. Now previously, before we took a break, you stated you were a point of contact regarding Title IX for Academir?

A. I am only for students and parents.

Q. But you are not a Title IX coordinator?

A. We have an HR Title IX coordinator. She's the one that you'll see as a designated person.

Q. Is there a Title IX coordinator for students?

A. Myself, Olivia Bernal.

Q. So you are the Title IX coordinator for students at Academir?

A. Yes.

Q. As a Title IX coordinator for Academir, what duties do you handle?

A. Any grievances that are brought forth by parents with regards to -- that are sexual in nature that come. Anything having to do with -- I do all the grievances for the schools, but in this particular case this is just related to sex or touching or something of that nature -- sexual.

1 Q. Are you the designated person that the  
2 students are supposed to report Title IX  
3 complaints to?

4 A. They report it directly to their  
5 schools. If that process -- once that process  
6 takes place, the schools notify me and the  
7 parents can file a complaint if the issues are  
8 not resolved at the school level.

9 Q. And what about if the student themselves  
10 wants to bring forward a complaint?

11 A. They report it to their school  
12 administration or they can file a complaint.  
13 They can ask for it.

14 These are also kindergartners so it's  
15 probably hard for them to, unless they tell their  
16 teachers usually.

17 Q. I'm not asking about kindergartners or  
18 any particular instances. I'm asking you about  
19 generally the Title IX policies for Academir.

20 A. Okay.

21 Q. As Title IX coordinator, do you oversee  
22 investigations?

23 A. Me and my team, yeah. We look at --  
24 typically we don't have a whole lot, but we look  
25 at any case that comes through. We involve the



1 upper management, the executive management team  
2 and we take a look. We listen to parents. We  
3 work with the school administration.

4 Q. Who is on your team bringing the Title  
5 IX complaints?

6 A. Xenia, Esther Mir, Rolando Mir.

7 Q. Rolando Mir is a member of the Title IX  
8 team?

9 A. No, but if he has complaints from  
10 parents, typically he'll join us.

11 In this case the parent reached out to  
12 him directly.

13 Q. I'm asking generally about Title IX  
14 policies again. Who are the --

15 A. Those are my three members, me, Ms. Mir,  
16 and Xenia.

17 Q. And have both of those two other members  
18 of your team undergone Title IX training?

19 A. Yes.

20 Q. And who conducted that training?

21 A. Through ADP, we go through a training.

22 Q. Is that the ADP TotalSource training  
23 that you mentioned earlier?

24 A. Yes.

25 Q. But I thought that training didn't cover

1 Title IX topics?

2 A. They did cover Title IX topics: Sexual  
3 harassment. They do cover that topic. You asked  
4 me specifically about school-based.

5 Q. Right and --

6 A. For students you asked me and I said  
7 that it does not cover student-based. It's very  
8 general and on how to handle cases and how to  
9 address concerns.

10 Q. So, let me rephrase the question.

11 For the other two members of the team,  
12 have they received training that is specific to  
13 the federal law Title IX and not general sexual  
14 harassment training?

15 A. Title IX, yes, they have.

16 Q. When did they undergo that training?

17 A. I don't know that. I don't have that  
18 answer.

19 Q. What training was that that covered  
20 Title IX specifically?

21 A. I don't know. You'd have to ask them.  
22 I don't have that information with me.

23 Q. Okay. But previously you had testified  
24 that they had received training on Title IX;  
25 correct?

1           A.    They have received training, that is  
2 correct.

3           Q.    Okay.

4           A.    But do I know what day and time and what  
5 was the title of it, I do not know.

6           Q.    What do you know about the Title IX  
7 training they received?

8           A.    I don't know what Title IX they've  
9 received. I know they received it through ADP.

10                  One of them is our HR director. So, I  
11 know that for sure she has received the Title IX.  
12 Ms. Mir has also received the Title IX, but can I  
13 tell you specific information about their  
14 training, no, because I don't have that  
15 information with me.

16           Q.    And those are the online modules that  
17 you described earlier with ADP TotalSource; is  
18 that right?

19           A.    Online training.

20           Q.    Right?

21           A.    The one that I attended.

22           Q.    Were the words "Title IX" included in  
23 that training?

24           A.    Sexual harassment? I can't recall.

25           Q.    What can't you recall?

1 A. If it had the "Title IX" on the title.

2 Q. Does ADP TotalSource specialize in  
3 educational institutions?

4 A. Yes. The people that are handling our  
5 accounts, yes.

6 Q. And you know for a fact that the  
7 training that you took covered Title IX topics?

8 A. Yes.

9 Q. Do you remember what the name of the  
10 training was called?

11 A. No, I do not. I can't recall.

12 Q. So, you mentioned that you and the two  
13 of the members of that team handle Title IX  
14 investigations; right?

15 A. Say that again.

16 Q. You mentioned that you and the two other  
17 members of that team handle Title IX  
18 investigations; is that right?

19 A. Yes.

20 Q. How many Title IX investigations have  
21 you and your team handled in your tenure?

22 A. I cannot recall. I don't have a  
23 specific number in my head. I don't have that  
24 information. I wasn't told I had to bring that.

25 Q. Well, you didn't have to bring anything.

1 I'm asking if you recall ever conducting a  
2 Title IX --

3 A. I don't recall -- I do recall, but I  
4 don't recall the number of times that I have done  
5 them.

6 Q. Was it more than once?

7 A. Yes.

8 Q. Was it more than five times?

9 A. Yes.

10 Q. When is the most recent time you  
11 conducted a Title IX investigation?

12 A. Probably a couple of weeks ago, but I  
13 can't recall. And it really didn't boil down to  
14 anything because there really wasn't a case to  
15 follow.

16 It was just something that was brought  
17 forth and then it was like a story that a child  
18 said or a middle school student said. And then  
19 the story changed. And so, they're like, "No, it  
20 really didn't happen. It was just I said that  
21 because of this." So, the case was not really  
22 carried through.

23 Q. So, this was a Title IX investigation  
24 that you handled within the past couple of weeks?

25 A. Yes, it was a complaint. We didn't

1 launch an investigation, no.

2 Q. When was the last time you handled an  
3 investigation of Title IX complaints?

4 A. I can't recall. I don't know the exact  
5 date. I can't recall.

6 Q. Can you recall a single instance where  
7 you handled a Title IX investigation?

8 A. Yes.

9 Q. What do you recall about that instance?

10 A. The information came to me. We looked  
11 at it. We collaborated with the school. We got  
12 the information from the police. We reviewed  
13 everything. We called all the parties. We  
14 questioned students. We questioned employees.  
15 We spoke to parents. We delivered an outcome.  
16 We met with the parents to deliver all our  
17 findings and that was pretty much it.

18 Q. And when did that investigation take  
19 place?

20 A. When?

21 Q. When?

22 A. I can't recall. I can't recall the  
23 exact date.

24 Q. Was it more than a year ago?

25 A. No, couple months ago. Probably about

1 six months ago.

2 Q. And what did that investigation involve  
3 that you conducted six months ago?

4 A. What did it involve? A student coming  
5 into the restroom, parent says that the aftercare  
6 person also came in, went to the bathroom, and he  
7 saw him with his pants down. And the other child  
8 was in the bathroom. Didn't conclude with  
9 anything because there was no time frame. This  
10 was brought to our attention months later. We  
11 looked at cameras. We did an investigation. We  
12 involved the police and there was no  
13 determination.

14 Q. What was the age of this student that  
15 was involved in this Title IX complaint?

16 A. First grade.

17 Q. And how did you first learn of that  
18 complaint?

19 A. The school -- once it happened, the  
20 school reported it. The parent then contacted us  
21 and we launched an investigation from our end.

22 Q. A school reported it to you?

23 A. Yes, sir.

24 Q. Who reported it to you?

25 A. The school principal.

1 Q. Which principal was that?

2 A. Rosali Ortega.

3 Q. And then once you learned of that  
4 complaint from Rosali Ortega, you took over the  
5 investigation?

6 A. Well, they had already started the  
7 investigation with the police officer and all of  
8 that.

9 We, myself and my team, went out to the  
10 school. We spoke to the principal. We gathered  
11 the information and then we called and contacted  
12 the parent. I went out -- back out to the school  
13 where the information was being held, which is  
14 the report from the student, the report from the  
15 parent, the statement from the aftercare  
16 gentleman or teenager who works in the aftercare.  
17 There was no footage. There was nothing. The  
18 police said they didn't have a timeline or a time  
19 frame, so they really couldn't go back into the  
20 cameras, and they didn't know when it happened,  
21 if it was before or after school or during the  
22 day. So, there really wasn't -- and we made  
23 findings. We met with the parents. We talked to  
24 them. The police spoke to them and that was it.

25 Q. And were any interviews conducted as



1 part of that investigation?

2 A. Yes, with the employee and with the  
3 student.

4 Q. Were those interviews documented or  
5 reported?

6 A. The written statement from the employee,  
7 yes.

8 Q. And what about the statement from the  
9 student?

10 A. Yes, and an incident report.

11 Q. The written statement from the employee,  
12 was that in an incident report as well or was  
13 that in a different document?

14 A. No, it was in a different statement  
15 form.

16 Q. Is that a standardized form that  
17 Academir has?

18 A. Yes, it's the typical one that it just  
19 says statement. It has lines. And they write  
20 their name, the date.

21 Q. And that is a standardized form that  
22 Academir uses during investigations?

23 A. Yes, they should, just for statements.  
24 That's the one that Miami-Dade County Public  
25 Schools uses, we use the same one. It's just a

1 paper with lines.

2 Q. Are those statement documents that were  
3 collected during that investigation stored  
4 somewhere?

5 A. In the employee file.

6 Q. In the file for the employee that was  
7 part of the investigation?

8 A. The statement, the witness statement --  
9 well, the statement that we have on file is the  
10 witness -- the actual employee, so that one is in  
11 the file. And the student one should be -- it  
12 should be because it happened this year so it  
13 should be in that file, yes.

14 Q. And would that be included in that  
15 employee file as well?

16 A. No, because it had nothing to do with --  
17 because it's a student. The incident report is  
18 the school's. The school has the documentation  
19 as well as for the employee. His statement  
20 remains in his file.

21 Q. And where would the school store that  
22 statement from the student?

23 A. There are two -- usually there's a  
24 binder that has incident reports and then one  
25 copy is sent here and we keep it on file.

1 Q. You said there is an incident report and  
2 there is a copy that is kept in the Superior  
3 office?

4 A. Yes.

5 Q. And that includes the statement from the  
6 student as well?

7 A. That would be in his -- the HR file,  
8 yes.

9 Q. The statement from the student would be  
10 in the HR file?

11 A. No. No, the statement from the  
12 employee.

13 Q. Where would the statement from the  
14 student --

15 A. There's an incident report that we do  
16 for the student. The student usually, when they  
17 have their -- when they're that little, we write  
18 it for them in their incident report; we're  
19 reporting what they're saying.

20 Q. Where would the statement form that you  
21 described for the student, where is that stored?

22 A. I said that is a statement form for the  
23 employee. He has his own statement and it's in  
24 his file, in his employee file, and we also have  
25 a copy here in his HR employee file.

1 Q. So, there was no statement form used for  
2 the student you're saying now?

3 A. No, I don't believe so. I can't recall.

4 Q. Okay. What was the outcome of that  
5 investigation?

6 A. Since this was reported months later and  
7 the parents -- since nobody knew the time frame,  
8 if it happened in September, if it happened over  
9 the summer, if it happened in November, they  
10 could not describe it. He read something in the  
11 book and he said, "It's like when I saw the pants  
12 down of my aftercare teacher." And there was  
13 nothing -- you know, he said that he read it in a  
14 book and he thought it was funny. And there was  
15 a gentleman in a stall and he saw his pants  
16 through the bottom of the stall, not that he had  
17 seen the actual employee physically naked.

18 Q. And was there a final determination or  
19 conclusion issued?

20 MS. KARRON: I'll just object that  
21 this is outside the scope of the inquiry  
22 scheduled.

23 THE WITNESS: Yeah.

24 MR. MACDONALD: You can answer the  
25 question unless your attorney --

1 THE WITNESS: It's unfounded.

2 Unfounded.

3 BY MR. MACDONALD:

4 Q. That was the final determination?

5 A. Yeah, unfounded, no crime committed.

6 MR. MACDONALD: And just for the  
7 record -- and I can pull up the  
8 notice -- the notice says, "Knowledge of  
9 any previous complaints or allegations  
10 of sexual harassment/assault made by any  
11 student of Defendant Academir from 2017  
12 to the present, including the nature of  
13 the complaints, investigations conducted  
14 and resolutions reached."

15 BY MR. MACDONALD:

16 Q. So, you said unfounded was the outcome;  
17 right?

18 A. Uh-huh.

19 Q. Was that recorded anywhere, the outcome  
20 of the investigation?

21 A. Because it had to deal with an employee,  
22 I'm sure that it was documented in his file.

23 Q. What about for the student, would that  
24 investigation conclusion be stored anywhere  
25 outside of the employee file?

1           A.    No.  Once we have the meeting with the  
2           parents and we explain everything and they're  
3           okay, that is it.

4           Q.    There is no record kept of the outcome  
5           of the Title IX investigation?

6           A.    It didn't get to be anything because  
7           there was no -- there was no investigation to go  
8           through.

9                       Prior to getting to us, the officer  
10           could not get any information on this because  
11           there was no concrete information.  The student  
12           didn't know.  The parents didn't know.  There was  
13           no other witnesses but the employee and the  
14           student saying he saw his pants in the stall at  
15           the bottom.  And so, even though it was launched,  
16           there was really nothing we could go by.  We went  
17           based off all of the information that was  
18           provided to us by the school.

19                      We met with the parents.  We showed them  
20           everything.  And the police officers spoke to  
21           them and there was really no true outcome.

22           Q.    I would like to --

23           A.    Besides them saying that there was no --  
24           there was no -- there was no -- they couldn't  
25           make a conclusion based on the information they

1 provided.

2 Q. Didn't you previously testify that the  
3 conclusion was unfounded?

4 A. It is unfounded because there was no  
5 determination that was made. There wasn't.

6 There was no determination made based on  
7 the information we had. We couldn't -- not  
8 even -- the officer was present and we did the  
9 full investigation and there was no information  
10 that we could go on based off of the information  
11 of seeing somebody in the stall with their pants  
12 down. You can't. It's unfounded. There is no  
13 information to go on. And that's it. So we  
14 closed it.

15 We let the parent know that it was  
16 unfounded. There is no evidence. There is  
17 nothing that we could go on. And that's it. If  
18 the parents agrees and says, "Okay. I want to do  
19 further action." At that point the parent  
20 couldn't say anything because they had no  
21 information to provide us or to continue. There  
22 was nothing to do if they're reporting it months  
23 later or they don't know the time frame, or they  
24 don't know exactly what happened.

25 So, it was unfounded.

1 Q. But the determination that the  
2 allegations were unfounded, was that recorded  
3 anywhere?

4 A. In the file of the employee who was  
5 being accused of having his pants down in the  
6 bathroom.

7 Q. Outside of the employee file, is there  
8 any record of the finding of your Title IX  
9 investigation pertaining to this particular  
10 allegation?

11 A. I'm sure that there is something in the  
12 file. I can't recall.

13 Remember, we don't have the student  
14 files here. We don't keep any student files  
15 here. They're kept at the school. So, I'm sure  
16 that there is something -- whether it was in  
17 writing because they met with the parents, the  
18 actual parents at the school.

19 Q. You're sure that there is something in  
20 writing as to that unfounded --

21 A. I'm not sure. I'm not sure. I know  
22 that we have the incident report and it's there  
23 at the school site.

24 Q. Are employees of Academir required to  
25 document findings of Title IX investigations?



1           A.     Can you explain that? Like what -- I'm  
2 not sure what you're referencing.

3           Q.     Well, you oversee Title IX  
4 investigations for Academir; is that right?

5           A.     Correct.

6           Q.     And at the end of an investigation there  
7 is a finding or conclusion; is that right?

8           A.     Correct.

9           Q.     Are the findings or conclusions at the  
10 end of Academir's Title IX investigations  
11 documented anywhere?

12          A.     If an investigation is fully launched  
13 and there is an outcome, absolutely. When it is  
14 not, you'll not have any information besides what  
15 is at the school.

16          Q.     And in the scenario you just told me  
17 about that happened six months ago, there was a  
18 full investigation; right?

19          A.     I have an incident report, I have a copy  
20 of the incident report and that is about it.

21                 When it's unfounded, there is really  
22 nothing for us to go off. We keep the incident  
23 report on record, on file. We leave it there.  
24 We have the incident report on record for the  
25 employee, his statement, that's on file. We keep

1 that on file, on record for seven years and  
2 that's it.

3 Q. Okay. So, Academir does not keep a  
4 record of the finding or determination at the  
5 conclusion of a Title IX investigation?

6 A. We do. We do and it's either put in the  
7 employee file or in the student file. That is  
8 where it should be.

9 Q. And in this case that you described six  
10 months ago, it was put in the employee file, that  
11 determination?

12 A. For the employee, yes, because it was  
13 against the employee.

14 Q. And that's not kept in the student  
15 records at all?

16 A. No.

17 Q. In situations where an employee is not  
18 involved, where are findings or determinations  
19 for Title IX investigations stored?

20 A. It's not kept in the student records  
21 unless there is a full-blown investigation where  
22 there is something that is -- there is a police  
23 report and everything, you keep it together, but  
24 if there is no investigation or anything like  
25 that, it's not kept on file besides the student

1 incident report. That is kept -- the student  
2 incident report is kept on file and it usually  
3 indicates the action taken.

4 Q. Who is responsible for writing the  
5 Title IX findings or conclusions?

6 A. It varies. It could be depending on who  
7 is responsible for the different case. I'll be  
8 responsible for writing students. And usually  
9 the principals give an outcome to the parents.

10 Q. So, for all student Title IX complaints,  
11 you're responsible for writing the conclusions or  
12 determinations?

13 A. Correct.

14 Q. And when you conduct those  
15 investigations and reach your conclusions or  
16 determinations, those documents are stored in the  
17 student file?

18 A. If it gets to that, yes. Again, I  
19 started with this last year. I haven't had big  
20 cases. These are elementary students.  
21 Typically, you have very, very few. Mainly what  
22 we do is we get complaints for the adults, and  
23 that is here and that is housed here. And if  
24 it's a school matter, it typically stays at the  
25 school.

1 Q. What do you mean it stays at the school?

2 A. The student cumulative folder, anything  
3 having to do with the case or if there is a  
4 police report or something like that done and  
5 determined, it's all in the student cumulative  
6 folder.

7 Q. Do you keep any records as Title IX  
8 coordinator for Academir?

9 A. If need be, but usually no. It's  
10 usually we keep them at the school site.

11 Q. Have you ever needed to keep records of  
12 Title IX investigations that you've conducted?

13 A. No.

14 Q. So, you do not have any records related  
15 to Title IX investigations that you conducted in  
16 the past?

17 A. No, all I have is the incident reports.

18 Q. Do you know what a notice of rights is?

19 A. I do. When you provide -- uh-huh.

20 Q. What is it?

21 A. It's a notice that you provide the  
22 parents the rights that they have under a  
23 complaint investigation.

24 Q. And have you issued a notice of rights  
25 in your time as a Title IX coordinator?

1 A. I have not.

2 Q. And why did you not issue a notice of  
3 rights with the incident that happened six months  
4 ago?

5 A. Because it was handled and it wasn't --  
6 before it got to me, the parent knew. We had  
7 already launched the investigation. Nothing was  
8 being stopped. You know, the child continued  
9 his -- to gain access to his education and his  
10 afterschool activities. There was a concern, a  
11 complaint that came from a parent that the school  
12 launched the investigation. Once this happened,  
13 they contacted me. I went out there and we  
14 discussed this. And there was really nothing to  
15 move forward to because we did everything that we  
16 needed to do before it even got to -- you know,  
17 we launched the investigation with the police,  
18 the Department of Children and Families.

19 And everybody said there is nothing to  
20 go by on this case. The parent was given, you  
21 know -- said, "You have the right to request an  
22 investigation." And they said, "Okay. We'll do  
23 it. Let's do it." They did it.

24 And I was there for moral support and  
25 guidance for the principal.

1 Q. So, for that particular instance you  
2 conducted a Title IX investigation but you did  
3 not provide a notice of rights to the parents?

4 A. I have not.

5 Q. Do you know what is typically included  
6 in a notice of student rights for Academir  
7 students?

8 A. It's just the notice of rights that  
9 provides them with the information -- and it  
10 comes directly from the district -- of the rights  
11 they have as parents to request an investigation.  
12 If they don't like the outcome, they request  
13 further actions -- and I have to look at the  
14 paperwork. I don't know it off the top of my  
15 head.

16 Q. You said it comes from the district?

17 A. For students that they have the right to  
18 apply -- I mean, to request an investigation, for  
19 students. For employees, that I cannot speak on  
20 because I don't have that information.

21 Q. For notice of rights that are given to  
22 students of Academir is that a form created by  
23 the district or is that a form created by  
24 Academir?

25 A. We follow the district guidelines which

1 is just the form. Just like when we -- any form  
2 that requires the due process of students for any  
3 specialized programs, we have to use the district  
4 forms.

5 Q. Okay. So, Academir utilizes the  
6 Miami-Dade School District's notice of rights  
7 form?

8 A. Yes, I've given the notice of rights but  
9 for other categories, not necessarily Title IX,  
10 but anything having to do with special education  
11 programs, that's the first thing they receive.

12 Q. And does Academir also adhere to the  
13 guidelines of when a -- strike that.

14 Does Academir also adhere to the  
15 Miami-Dade County guidelines as to when a notice  
16 of rights must be issued?

17 A. Yes.

18 Q. Now, I want to go back to the document I  
19 was showing you earlier. This was marked as  
20 Exhibit 2. Do you see the section labeled  
21 "Sexual Harassment" and this is on the page  
22 Defendant's Bates labeled 236?

23 A. Yes.

24 Q. Are you familiar with this definition of  
25 sexual harassment that Miami-Dade County uses?

1 A. Yes.

2 Q. Is this the same definition of sexual  
3 harassment that Academir uses in its Title IX  
4 investigations?

5 A. Yes.

6 Q. And does Academir also use this same  
7 sexual harassment definition in investigating any  
8 kind of student sexual harassment issues?

9 A. That is correct.

10 Q. And do you see in the description for  
11 sexual harassment where it says, "Examples may  
12 include but are not limited to unwelcome  
13 touching, graphic verbal comments, sexual jokes,  
14 slurs, gestures, or pictures, whether in-person  
15 or through any other method, including sexual  
16 cyber-harassment."

17 Do you see that?

18 A. Yes.

19 Q. And towards the bottom, in the next  
20 paragraph it says, "Corrective strategies for  
21 sexual harassment may only be used in accordance  
22 with the District's Title IX Sexual Harassment  
23 Manual."

24 Do you see that?

25 A. I do.



1 Q. Does Academir utilize the district's  
2 Title IX Sexual Harassment Manual?

3 A. When it pertains to students, yes.

4 Q. And do you see where it says example,  
5 "The student was suspended for sexual harassment  
6 because he repeatedly talked about a female  
7 student's private parts, making her feel  
8 uncomfortable"?

9 A. Yes.

10 Q. And you said you're familiar with  
11 Miami-Dade County Title IX Sexual Harassment  
12 Manual?

13 A. Yes.

14 MR. MACDONALD: I'm going to show  
15 you another document. We'll mark this  
16 as Exhibit 3.

17 (Plaintiff's Exhibit No. 3 was  
18 marked for identification.)

19 BY MR. MACDONALD:

20 Q. Do you recognize this as the District's  
21 Title IX Sexual Harassment Manual?

22 A. Yes.

23 Q. Do you see this page that is labeled 18?  
24 I'll give you a moment to review it.

25 A. Yes.

1 Q. And is this the document you had  
2 reviewed earlier --

3 A. That's correct.

4 Q. -- that you read the steps off of?

5 A. Right.

6 Q. And earlier you told me that Academir  
7 follows this policy with the exception of the  
8 references to the District's Office of Civil  
9 Rights Compliance and the Title IX coordinator;  
10 is that right?

11 A. As well as the cops.

12 Q. As well as the police?

13 A. Correct.

14 Q. And do you see under this section  
15 labeled A, on page 19 that says, "Initial steps  
16 in response to allegations of sexual harassment"?

17 A. Yes.

18 Q. And Academir adheres to these steps and  
19 procedures in handling Title IX complaints?

20 A. Yes.

21 Q. And in step four listed there, do you  
22 see a reference to a Title IX complaint form?

23 A. Yes.

24 Q. Does Academir give those forms to  
25 students upon receiving a Title IX complaint?

1           A.     The school themselves handle all of the  
2     initial complaints. It doesn't get to a Title IX  
3     office until it's an actual complaint from a  
4     parent, which she called and we could not  
5     schedule her, that was it, but everything that  
6     happens prior to this --

7                 Remember, we're not the district and we  
8     don't go directly to them for anything. They  
9     come to us after the investigation and everything  
10    is launched and their determination. They reach  
11    out to myself or -- next steps -- if the parents  
12    are not happy with the outcome, or they need  
13    support or guidance, they come to us.

14           Q.     Who makes the outcome or determination?

15           A.     If the investigation is conducted,  
16    and -- at the school level -- I can't -- they  
17    can't wait for me or anybody else, to say, "Hey,  
18    call the police" or "Call the Department of  
19    Children and Families."

20                 Remember, these principals are the loco  
21    parentis. They have to make those decisions  
22    based on each individual case at their school.  
23    They do not wait for an agency or me to make a  
24    determination for them because I don't have all  
25    of the information, nor can I stop everything and

1 launch an investigation.

2 So all -- everything -- the principals  
3 at their school sites have to do all of their due  
4 diligence. If at the end, if they still have not  
5 reached a conclusion, obviously they have to  
6 notify us and let us know this is taking place.  
7 And if the parent is not or the student is not  
8 happy, they come directly to us and they let us  
9 know, "Hey, this has not been resolved." But it  
10 has to go directly to the school. This is where  
11 the action and the incident occurred. I have  
12 no -- I'm not at the location right then and  
13 there and I can't make a determination for those  
14 parents or decide for the school to call somebody  
15 at that moment. So, this comes to me after.

16 Q. Okay. So upon receiving a Title IX  
17 complaint, the school principal is responsible  
18 for conducting an investigation?

19 A. She is. The initial investigation has  
20 to be on the principal. That is correct.

21 Q. And are you, as Title IX coordinator,  
22 involved personally in that investigation  
23 conducted by the principal?

24 A. Once she starts an investigation, she  
25 does everything, they contact me after. And they

1 let me know, "Hey, Bernal. Here is what is  
2 happening. What do I do? I've communicated with  
3 the parents or the officer found nothing." I  
4 say, "Okay." If they need my help, I come out to  
5 the school. If they need further resolution, we  
6 take over on this end and we invite the parents  
7 here, or we communicate or we schedule an  
8 appointment with the parents and then we follow  
9 up, but typically all of the investigation and  
10 everything has to be done immediately at the  
11 school.

12 Q. Okay. So, you do not get involved in an  
13 investigation in response to a Title IX complaint  
14 until after the principal has made a conclusion?

15 A. After everything has been initiated.  
16 She probably is not going to make a conclusion.  
17 If the child leaves a school before the  
18 conclusion, there is really nothing she could do.  
19 If she starts and she says, "Okay, I need to meet  
20 with the parents. I need to get all of the  
21 information," we can't, you know, just call the  
22 Department of Children and Families unless we  
23 suspect that there is abuse or neglect, and that  
24 this child is in distress and in harm's way, we  
25 contact the Department of Children and Families

1 or we contact the police. And they, you know,  
2 obviously take over and we have to ensure the  
3 safety of the children if they're still in our  
4 care or if they've gone over, obviously we have  
5 to communicate immediately with the families,  
6 with the parents, of both children. We meet with  
7 the children. We have to determine -- not we,  
8 but the schools have to determine if this is  
9 actually an incident that requires next steps or  
10 further action if it's reported that, then they  
11 know what to do, they know who to contact. Once  
12 that starts and it's still not -- you know, they  
13 come to me and they come to us for support.

14 Q. Who comes to you for support?

15 A. The school administrators or parents on  
16 behalf of their children.

17 Q. So, after a principal receives a  
18 complaint, a Title IX complaint, at what point or  
19 when do you become involved as a Title IX  
20 coordinator?

21 A. It depends if there isn't -- if the  
22 police have to get involved and they're referred  
23 to the Department of Children and Families, they  
24 call us right up or we or her to let us know that  
25 this is taking place. We review the information

1 and we wait for the authorities to come up with,  
2 you know, or -- to determine if this is something  
3 that needs to be processed or something that  
4 needs to be continued. And then, you know, we  
5 work with the school. We work with the families  
6 depending on each individual, you know,  
7 case-by-case need.

8 Q. You mentioned if the police or the  
9 Department of Children and Families become  
10 involved, are those the only circumstances when  
11 you become involved in an investigation as Title  
12 IX coordinator?

13 A. Not necessarily. If it's something  
14 severe, but typically that's our first line of  
15 defense is making sure the safety of the student,  
16 making sure that, you know, that all parties  
17 involved are listened to, that, you know, if we  
18 need to call the police, right then and there we  
19 call the police. You know, it depends. If it's  
20 a child or a student, those cases are taken very  
21 seriously; the police are always involved if  
22 that's the case.

23 And again, if it's an incident that  
24 occurred between two young students, we have to  
25 be very cautious and careful because these are

1 very small children and so we have to handle it  
2 and understand what took place before we launch a  
3 full investigation and call and alert, you know,  
4 everybody when it might have just been,  
5 something --

6 Q. I want you to fully answer the question.  
7 I think you're losing sight of the question I  
8 asked.

9 In what circumstances do you become  
10 involved in an investigation as Title IX  
11 coordinator besides --

12 A. It depends.

13 Q. Okay. What specific --

14 A. If it merits our involvement because  
15 there is no resolution or they need assistance at  
16 the school because this is a case that warrants a  
17 full investigation, we get involved. If not, we  
18 do not get involved. Most cases are handled at  
19 the school site.

20 Q. Okay. I want to know the specific  
21 instances when you --

22 A. I can't give you a specific. I can't  
23 answer that. I don't know. It's on a  
24 case-by-case basis.

25 Q. Okay. So, there is no set guidelines as



1 to when you become involved as a Title IX  
2 coordinator?

3 A. I told you that it depends. And I have  
4 explained this several times. You're not  
5 understanding. This is not a black and white.  
6 This is when you're dealing with students. It's  
7 very different. You're dealing with high school  
8 students and kindergartners. It's very  
9 different. I'm not going to get involved, you  
10 know, when a little -- when somebody says let me  
11 see your pipi. I mean, kids show their pipi all  
12 the time in kindergarten. I mean, it's real.

13 Q. Yes, but you're here to testify about  
14 Academir's policies and procedures. So I'm  
15 trying to understand if there is a set criteria  
16 for when you as the Title IX coordinator becomes  
17 involved. If the answer is no, that's okay. I'm  
18 just trying to understand.

19 A. No.

20 Q. So, there is no set criteria for when  
21 you become involved as the --

22 A. No, it's on a case-by-case basis.

23 Q. And that case-by-case basis  
24 determination is made by who?

25 A. By the principal, by us. It depends.

1 If they need to contact us because there is truly  
2 an investigation that needs to take place or if  
3 there is a parent that comes directly to us to  
4 make an allegation, obviously we get involved in  
5 the very beginning.

6 If it's something that happens at the  
7 school site and the school site is taking care of  
8 it, the school principal takes care of it until  
9 there is an outcome. If there isn't obviously  
10 they involve us if there is a grievance. If the  
11 parent is discontent with the outcome, they come  
12 directly to us and that's how I get involved.

13 Q. And so it also depends on who makes that  
14 determination whether you should get involved as  
15 a Title IX coordinator?

16 A. There is no -- like I told you, it's not  
17 black and white and it just depends on a  
18 case-by-case basis.

19 Q. Is there a form in which you as Title IX  
20 coordinator log the facts and date and time of  
21 the report?

22 A. Yes.

23 Q. And what form is that?

24 A. We have two. One is a Google doc when  
25 they initially launch the complaint, they

1 complete it there so that I can have it  
2 electronically. And then there is a form that I  
3 use for my notes.

4 Q. What form do you use for your notes?

5 A. Just a documentation form. I can  
6 provide it when I submit the other stuff so you  
7 can take a look at it.

8 Q. Is that a standardized form or did you  
9 create it?

10 A. I created it.

11 Q. And there is also a Google doc that  
12 lists complaints related to Title IX?

13 A. Well, if they complete a complaint, they  
14 can do it on the Google form.

15 Q. What do you mean complete a complaint?

16 A. So, if they're going to submit a  
17 complaint, they can do it through a Google form.  
18 It's a link so they can complete a form.

19 Q. And who is they?

20 A. Parents, students, teachers, whoever has  
21 a complaint they can use that form, which  
22 obviously, after COVID everything went digital,  
23 so that's the form. Before it was a paper-pencil  
24 one, a handwritten one. Now it's on Google. So,  
25 if there is a complaint, they can complete the

1 complaint electronically.

2 Q. And do you see the section labeled "B.  
3 Supportive Measures Offered to the Complainant  
4 and Respondent"?

5 A. Yes.

6 Q. Does Academir utilize these procedures  
7 as well in handling Title IX complaints?

8 A. That is correct.

9 Q. And do you see the section labeled  
10 "Notice of Rights"?

11 A. Yes.

12 Q. And you said that Academir follows these  
13 policies in giving notices of rights to Title IX  
14 complainants as well?

15 A. Yes.

16 Q. And do you see the section labeled  
17 "Interviews and Investigation"?

18 A. I do.

19 Q. And does Academir adhere to these  
20 policies in conducting interviews and  
21 investigations of Title IX complaints?

22 A. Yes.

23 Q. Are students who are interviewed in  
24 Title IX investigations given a copy of their  
25 statements?

1           A.    The incident reports, yes. The parents  
2           once they come in, we take -- whoever reports it,  
3           usually is the person whether it's the student,  
4           the teacher, we write it. We write the witness  
5           statement. And all of the documentation is kept  
6           there. When the parent signs, we always make a  
7           copy and we provide the parent with a copy.

8           Q.    So, if a statement is taken from a  
9           student, a student is provided a copy of that  
10          statement?

11          A.    The student is not provided; the parent  
12          is provided a copy because the parents have to  
13          sign that the information is accurate. Once we  
14          reach out to the parents, we talk to the parents,  
15          whoever reported it has to sign. The teacher has  
16          to sign. The school administrator has to sign  
17          and the parent has to sign and they're provided  
18          with a copy.

19          Q.    And during Academir's Title IX  
20          investigations, are parties and witnesses allowed  
21          to provide any evidence that they may have?

22          A.    Yes.

23          Q.    Does that include video or audio  
24          recordings?

25          A.    Typically, no. And I know what you're

1       referencing, but not -- if there is something  
2       that is a text message or something that was  
3       sent, usually the police gather the information,  
4       but when there is a naked child in a bathtub  
5       saying something like that, we do not, because  
6       those are privacy laws, and we cannot -- we can't  
7       see naked children or anything like that.

8               I understand that the dad didn't show  
9       the video because the principal didn't want to  
10      see the video of the naked child. She, the  
11      assistant principal, when he met with her had her  
12      listen to a recording of it and that was that.

13             But we don't collect or take anything  
14      until the investigation starts. So, usually if  
15      it's something that's brought to our attention --  
16      but we have to be very cautious especially with  
17      the content of it. If it's something sexual in  
18      nature, that there is an image of a naked child  
19      or something like that, the police officer or the  
20      detective in this case -- because the regular  
21      officers don't do the investigation and they turn  
22      it over to a detective who then gathers and  
23      collects all of the information.

24             Q.    Okay. I'm not asking about any specific  
25      instances. I'm just asking for the policies of

1 Academir during Title IX investigations.

2 A. Yes, if it's a full-blown investigation,  
3 yes, everything is admissible and it's collected.

4 Q. Okay. We can come back to this policy.  
5 Are there any other policies pertaining to Title  
6 IX for Academir that we have not reviewed?

7 A. No.

8 Q. Perfect.

9 No, and what about the document that you  
10 had described earlier? I believe you said it was  
11 approximately ten pages with the fiscal measures.  
12 We haven't reviewed that document; correct?

13 A. No. I spoke to Ms. Karron and I told her  
14 that I would forward you guys a copy. I don't  
15 know how I'm going to get the binder. I'm going  
16 to have to go to the school and make copies of  
17 the binder?

18 MS. KARRON: Don't tell him  
19 anything that I told you.

20 But, yes, I can ask them to get the  
21 documents over to us right away. So,  
22 Kyle, I will produce that as soon as I  
23 have it.

24 MR. MACDONALD: Thank you.

25 BY MR. MACDONALD:

1 Q. And that document that you referenced  
2 earlier, does that -- I know it mentions you as a  
3 contact person for Title IX; right?

4 A. Yes. For the parents and the students,  
5 yes.

6 Q. Does that document also list policies  
7 and procedures for Title IX as it pertains to  
8 Academir?

9 A. Yes.

10 Q. And what do those procedures pertain to?  
11 Is it handling investigations?

12 A. Yeah, just the grievance process and how  
13 to go by -- if you are discontent with the  
14 outcome, you know, this is the process to follow.  
15 Most of those policies pertain to the employees.  
16 Obviously they have a section on students. And  
17 then the portion of students is following the  
18 Miami-Dade County Public Schools' policies and  
19 procedures outlined in the Title IX sexual  
20 harassment policies for the district for  
21 students. So, that one encompasses employees,  
22 students, and then others vendors and so forth.  
23 It includes the form.

24 Q. And that was the policy that you drafted  
25 with Xenia and Esther Mir?



1           A.     Yes.

2           Q.     Are you familiar with my client Jane?  
3     We'll refer to her as Jane.

4           A.     I am not.

5           Q.     Are you aware of allegations she has  
6     made pertaining to sexual harassment, sexual  
7     assault?

8           A.     I am privy to the allegations that were  
9     verbal in nature, yes, that later became physical  
10    in nature, yes.

11          Q.     When did you first learn of the  
12    allegations you mentioned?

13          A.     It wasn't until the following week. The  
14    school handled the situation, I believe on the  
15    20th. That Friday she contacted Mr. Mir. On  
16    Fridays we're not here. The parent contacted  
17    them directly. And the following week there was  
18    no school. And then on Tuesday, you know,  
19    obviously we discussed the situation. They tried  
20    to have the parents come out so we could meet  
21    with them and we were not able to connect. After  
22    that the parents withdrew the child from the  
23    school.

24          Q.     Who first notified you of the  
25    allegations made by Jane?

1           A.     The school principal called us that  
2     Wednesday or Tuesday regarding the situation.  
3     And then we received a call from -- well, the  
4     office received a call from the parent directly,  
5     asking to speak to Mr. Mir.

6           Q.     And when you say the principal called  
7     us, who?

8           A.     Not us. A management company. She  
9     called and spoke to the executive management team  
10    which is Mr. Mir and Ms. Mir. Many times we're  
11    handling different things and he was able to pick  
12    up and speak to her.

13               And she just informed him that, you  
14    know, this case was reported on Friday. The  
15    child communicated to four different adults that,  
16    you know, the child just said something to her  
17    verbally. The child was fine. The child was  
18    left in aftercare, picked up in the afternoon.

19               We called the parents of both of --  
20    well, we didn't. The school called the parents  
21    of both individuals. And the parents then  
22    contacted the teachers so that they could set up  
23    an appointment or vice versa that Tuesday. The  
24    parents came out to meet with the assistant  
25    principal and the teacher on that Tuesday. And

1 then that afternoon after the parent got really  
2 irate, the principal contacted the parents so  
3 that they could meet and it didn't -- you know,  
4 he never showed up. So, the next day the child  
5 came to school like normal on Tuesday and  
6 Wednesday, didn't come back to school on Thursday  
7 and Friday. And that's all.

8 Q. So, I just want to go through the events  
9 in order. So, just bear with me. In terms of  
10 the entire story, let's save that.

11 Who first told you about the allegations  
12 made by Jane?

13 A. That Wednesday when Ms. Bello called to  
14 speak to us, here at the management office, she  
15 was just, you know, "There's a parent that is  
16 really upset," kind of gave us the background. I  
17 said, "Okay. We're going to reach out."

18 The parent called here and left a  
19 message. I didn't get the message. Mr. Mir got  
20 the message because they asked specifically for  
21 Mr. Mir. On the school campuses we also have a  
22 broad "If you have a question or concerns, please  
23 call the management office. Request to speak to  
24 Mr. Mir." He was the previous owner of the  
25 Academir Preschool so a lot of the parents do

1 know him and will go directly to him and that's  
2 how he got the call.

3 Q. How did you first learn about that  
4 incident?

5 A. When Ms. Bello called us that Wednesday  
6 to let us know that the parent, you know, never  
7 showed up and that he was very upset and that he  
8 was going to call us.

9 Q. So, the first time you learned about  
10 Jane's allegation was on a Wednesday when  
11 Susie Bello called you?

12 A. No. She called the office and Mr. Mir  
13 got the call.

14 Q. And did Mr. Mir tell you about what the  
15 allegations were?

16 A. Yes, we spoke about it.

17 Q. On that same Wednesday?

18 A. I believe it was on the same Wednesday.

19 Q. And what did Mr. Mir tell you the  
20 allegations were about specifically?

21 A. He just said that there was a parent  
22 that was making allegations that his daughter  
23 was -- and he got this from the teacher -- I  
24 mean, not teacher, the principal, that the child  
25 was inappropriately touched by another

1 kindergartner student in the class, but that was  
2 not what was reported to the principal.

3 So, the parent -- initially when the  
4 parents were called and the student came to  
5 report this to the teacher, she told the teacher  
6 and she told -- well, the PE teacher, then the  
7 regular teacher, then our administrative  
8 assistant in the front, that the child told her  
9 something inappropriate which was communicated to  
10 both parents and it was told by the parent -- I  
11 mean, by the student that someone told her  
12 something inappropriate and she -- there -- they  
13 know when something is said to them that they  
14 have to report it to an adult, and she did. She  
15 reported it to her PE teacher.

16 Her PE teacher, when she turned over the  
17 class, she says, "Hey, look this is what  
18 happened."

19 The teacher asks the child, "What  
20 happened."

21 She said, you know, "So-and-so said this  
22 to me."

23 And then she's like, "Okay. Maybe I'm  
24 not understanding" because she's not Hispanic,  
25 but they asked Ms. Sol (phonetic), who is in the

1 front, to translate what those two words meant so  
2 they could be confirmed. And she says, "Well,  
3 you know, she's saying that, you know, he wanted  
4 to kiss her and touch her tetitas and her cuca."

5 And we called the parents immediately.  
6 And not we -- the school called the parents  
7 immediately. The teacher did.

8 Q. Okay. So, stepping back a little bit,  
9 when you spoke to Rolando Mir, did he tell you  
10 that the allegations involved touching or did he  
11 tell you that the allegations were strictly  
12 verbal on that Wednesday?

13 A. Verbal.

14 Q. And did he say --

15 A. That all of the allegations that the  
16 child reported to us were verbal.

17 Q. Did he mention that the parents had  
18 stated the allegations included touching as well?

19 A. The principal communicated to him that  
20 everything was verbal including that Tuesday when  
21 they got back, the child confirmed to the  
22 counselor that the child only told her verbal  
23 comments; he did not touch her.

24 So, the four adults that the child  
25 communicated with at the school level told

1       them -- that it was verbal comments that were  
2       made to her; that he had not touched her.

3               When the parent comes in and is irate,  
4       he's like, "No, my daughter was touched. My  
5       daughter was touched." And then, obviously he  
6       contacted or they contacted the office.

7               Q.     So, starting with the verbal  
8       allegations, what were the words that were  
9       reported when you learned of that incident  
10      specifically?

11              A.     You have to ask those questions  
12      specifically to the school, but what was said  
13      was, "I want to kiss you in your mouth, touch  
14      your tetitas and your cuca." That is what was  
15      conveyed to us.

16              Q.     And "tetitas" that refers to breast, I  
17      imagine?

18              A.     Yes.

19              Q.     And what does "cuca" refer to?

20              A.     Private part of a girl.

21              Q.     So when you learned of this incident, it  
22      was that Jane had reported to four individuals  
23      that another student had made comments about  
24      kissing her mouth, kissing her breast, and then  
25      kissing her vagina?

1           A.    Not kissing. He said, "I want to  
2   touch." He didn't say, "I want to kiss" or  
3   anything like that.

4           And again, I wasn't present at the  
5   school. And this happened a very long time ago,  
6   but I remember it was him saying, "I want to  
7   touch your tetitas and your cuca," that's what he  
8   said and "kiss you" so I can't -- I can't be  
9   100 percent because but that was what was told to  
10  me.

11          Q.    So, the comments that were reported by  
12  Jane were about kissing her mouth, touching her  
13  breast, and touching her vagina; is that right?

14          A.    Yes.

15          Q.    Okay. When you learned first of just  
16  the verbal allegations, did you then initiate a  
17  Title IX investigation?

18          A.    No.

19          Q.    And --

20          A.    When this was communicated, the -- we  
21  asked the parents to come in and schedule a  
22  meeting with us. By the time the investigation  
23  started, the parents had already left the school.

24          Q.    All right.

25          A.    The school had to do their due diligence



1 and we didn't find out until after the fact, that  
2 same week. That was it. She didn't come to  
3 school those two days. The parents were supposed  
4 to come in and meet with us, and it never  
5 happened. So, at that point there is nothing for  
6 me to start. And once they withdraw the child,  
7 there is not much I can do on this end because I  
8 don't have access to that child nor do I have  
9 access to the records of that child. Everything  
10 has to be turned over. There is nothing I can do  
11 at that point.

12 Q. Did you conduct a Title IX  
13 investigation?

14 A. I did not.

15 Q. Did anyone at Academir conduct a Title  
16 IX investigation into Jane's allegations relating  
17 to the verbal comments we just discussed?

18 A. The school staff, they initially, you  
19 know, ensured that the child is okay. The child  
20 was not crying. There was no physical anything  
21 that happened. I know that they did do their  
22 investigation. They pulled the cameras. They  
23 spoke to the parents. They completed the  
24 documentation that they needed to complete. They  
25 had the counselor, which is one of the things

1 that normally happens when something like this  
2 because they have to, you know, ask the right  
3 questions to determine -- they have to ask the  
4 right questions to ensure that the child is safe  
5 and that everything is, you know, is followed.  
6 And it was determined that the child only said it  
7 was verbal.

8 At that point everything was done. The  
9 children were separated.

10 Can you hear me because I'm getting  
11 feedback?

12 MR. MACDONALD: Ms. Walton, I think  
13 you may need to go on mute.

14 BY MR. MACDONALD:

15 Q. I'm just asking if Academir conducted a  
16 Title IX investigation into Jane's allegations?

17 A. They conducted their initial  
18 investigation to see if there had to be an  
19 investigation. They don't start an investigation  
20 unless they are certain.

21 And, you know, you're dealing with two  
22 five-year-olds that say things to one another.  
23 We contacted -- we spoke to the child. The child  
24 said that she was not touched. That the child  
25 felt fine. She was happy. She stayed in

1       aftercare until the very end of the day.

2               When we communicated this to the parent,  
3       the parent left her in aftercare. There was  
4       no -- you know, the child was not in distress.  
5       Were there any signs of assault? No, none of  
6       that.

7               So, again, until Tuesday, even the  
8       counselor spoke to the child, the child indicated  
9       that the child only said something verbally to  
10      her. When somebody says something and it happens  
11      once, if there is a repeated pattern and the  
12      child is being constantly harassed. "You're  
13      pretty. You're pretty. I like you. I like  
14      you," you know -- you don't. If it happens in  
15      isolation -- you know, sometimes kids say things.

16              You can't launch a full investigation  
17      unless you are certain that something actually  
18      did happen to this child. And again, if the  
19      child herself is telling you that she's fine,  
20      that he didn't touch her, that he didn't do  
21      anything to her, and you communicate with both  
22      parents, you communicate with both students, but  
23      there -- sometimes there's, you know, that's it.  
24      There is no need for an investigation.

25              Q.    Ms. Bernal, I'm just asking you a simple

1 question. Yes or no, was a Title IX  
2 investigation conducted by Academir into Jane's  
3 allegations of the verbal comment?

4 A. No, there was no investigation.

5 Q. Was there any kind of investigation  
6 pertaining to sexual harassment generally that  
7 was conducted?

8 A. Yes. At the school level, yes.

9 Q. And who was in charge of that  
10 investigation, which employee?

11 A. Initially, the teacher reports it to the  
12 assistant principal. Obviously, everybody is --  
13 they asked her. The teacher asked her. Ms. Sol  
14 asked her. They -- there really isn't much to,  
15 you know, to address at that point. We knew that  
16 a comment was made at the end of the day. The  
17 student got picked up, went home.

18 We spoke to the other student's parents.  
19 The child was embarrassed. He was like, "I'm  
20 sorry. I'm sorry."

21 The little girl, there was nothing wrong  
22 with her. She was fine. She went on with her  
23 day. And that was at the end of the day. And  
24 really there is no -- nothing was determined at  
25 that time.

1                   On Tuesday, first thing you have the  
2 counselor come in and talk to the child  
3 obviously, to see --

4           Q.     So, I don't want to cut you off.  
5 Because I don't want you to keep repeating  
6 yourself. I just want to go through it step by  
7 step.

8                   You said, yes, there was a sexual  
9 harassment investigation conducted?

10          A.     Well, it wasn't -- it wasn't a sexual  
11 harassment because it wasn't a sexual harassment  
12 case. It was an incident where a child verbally  
13 said something to another child. And so, at that  
14 point it's only verbal. And it wasn't something  
15 where the child was, you know, physically and  
16 mentally distraught. So, kids say things to one  
17 another. And at that point it was determined  
18 that, you know, it was just something verbal,  
19 something that was said.

20                   And the school has to make a  
21 determination, you know. Is it something that  
22 was, you know, done because they're just kids?  
23 And in this case it was. Everybody that was  
24 involved -- and Ms. Valladares, who was taking  
25 care of the situation. Were both parents called?

1 Yes, everybody was called.

2 Parents came in the following week. And  
3 then at that point, they needed to get more  
4 information. And things change from one weekend  
5 to the next week and that's when everything kind  
6 of spiraled. But those specific questions, I  
7 would like for you to ask the school-based  
8 employees that were present there, doing the, you  
9 know, following the process.

10 Q. Well, you're here to testify on behalf  
11 of Academir Charter Schools with regards to the  
12 investigation.

13 A. Okay.

14 Q. You said that the verbal conduct  
15 specifically, that did not constitute sexual  
16 harassment per Academir's policies?

17 MS. KARRON: Object to form.

18 THE WITNESS: Again, children at  
19 that age say things that many times can  
20 be inappropriate. If you see a pattern,  
21 if you see that the child is like, "He's  
22 bothering me. He's bothering me and he  
23 keeps touching me" -- or, you know,  
24 kindergartners will do silly things.  
25 And, you know, the fact that he said

1           that -- obviously, we took matters  
2           immediately --

3           The teacher pulled the children  
4           aside, spoke to and called each parents.  
5           Action was taken to ensure, "Hey, look  
6           this is what happened today in school.  
7           This is what I spoke to your son about.  
8           He said, 'Yes, I said it,' " but it was  
9           not something that this kid that you saw  
10          that it was a constant harassment and  
11          that the child felt she was, you know,  
12          felt -- or you saw that she was  
13          assaulted or something to that extent.  
14          It wasn't. It was a comment. And the  
15          teacher at that time said, you know,  
16          "Okay. I'm going to handle it. I'm  
17          going to contact your parent and I'll  
18          talk to your parent."

19          And I don't want to speak on behalf  
20          of the child, but I know that they did a  
21          SCAM where they documented that the  
22          child said something inappropriately.  
23          That SCAM stays with him for the rest of  
24          his academic record. You know, it is  
25          documented that this took place. You

1 know, the teachers immediately separated  
2 them. They called the parents. The  
3 following week they were meetings with  
4 the parents to discuss and that's when  
5 the --

6 BY MR. MACDONALD:

7 Q. Before you keep going -- I don't want to  
8 keep cutting you off. I want to keep track of  
9 what you're saying.

10 You said a SCAM?

11 A. Uh-huh.

12 Q. What is that?

13 A. It's a district form that we use. It's  
14 a district form that is used to document  
15 incidents or situations that arise at the school  
16 for everything. And then it's documented and  
17 it's kept in -- well, it's entered into DSIS and  
18 it stays there as permanent record.

19 Q. But the verbal conduct that was reported  
20 to Academir, did the school consider that to  
21 constitute sexual harassment? Yes or no?

22 A. No. At the moment, no, especially after  
23 questioning the child.

24 Q. And who made that determination?

25 A. The school administration, the



1 principal.

2 Q. Okay. So the principal --

3 A. The assistant principal and the  
4 principal is the one who ultimately makes those  
5 decisions.

6 MR. MACDONALD: We can go ahead and  
7 take a ten-minute break.

8 (A brief break was had.)

9 BY MR. MACDONALD:

10 Q. Previously, I believe you stated that at  
11 some point the father of Jane alleged that the  
12 conduct between Jane and this other student was  
13 physical and was not just verbal; is that right?

14 A. That is correct.

15 Q. When the school, meaning Academir,  
16 learned of that allegation of physical contact  
17 between the two students, was that considered to  
18 be a report of sexual harassment by Academir?

19 A. So, I want you to understand that this  
20 was never a harassment because harassment is  
21 constant. It's repeated. This was an isolated  
22 incident that the school was reporting because  
23 the child said that it was verbal the entire  
24 time. The story then changed on Tuesday. It  
25 changed on Wednesday. By the time it got to us,

1 the parent reached out directly.

2 So, we have to go based on the  
3 information that we have. And prior to this, we  
4 had no indication, no notification. The school  
5 didn't exhibit any of this, nor were they privy  
6 to any constant harassment. That's why this  
7 didn't get to us because it didn't constitute a  
8 sexual harassment.

9 Q. Okay. And --

10 A. The father then brought it to the, I  
11 guess, the administration. That first it was  
12 this and then it was that. And the story changed  
13 every time.

14 So at that point, obviously, it comes to  
15 us and we try to set up the meeting with the  
16 father or Mr. Mir tried to set up the meeting  
17 with the father.

18 Q. Regardless of whether it was proven to  
19 be true or not, was the reported conduct of the  
20 physical contact between the two students  
21 considered to be sexual harassment by Academir?

22 A. It was not because again, it was  
23 something that was not considered harassment. It  
24 hadn't happened before. It was something that --  
25 it was an incident that took place at the school

1 that was verbal in nature.

2 Q. I'm asking you specifically about the  
3 father's allegations that you referenced,  
4 specifically --

5 A. The father didn't bring the allegations  
6 to us. He called us. We got the information  
7 from the school.

8 Q. But the father's allegations to the  
9 school of physical touching, did Academir believe  
10 that to be a report of sexual harassment?

11 A. No, because it was always verbal. For  
12 them it was always verbal until the story changed  
13 on each day. So, by the time that it got here,  
14 we didn't consider it harassment. Obviously, we  
15 have to listen to the parent and if they say that  
16 this is happening, you have to launch an  
17 investigation, but that's why we set up the  
18 meeting with the parents for the next week, which  
19 never took place. At that point we would have  
20 launched the investigation because they're  
21 requesting one and they have the right to, but  
22 the school did not consider it a harassment case  
23 because it wasn't a sexual harassment case for  
24 them. It was something -- it wasn't something  
25 that was happening repeatedly and was keeping the

1 child from accessing her education. It wasn't.  
2 She was continuing to come to school. She came  
3 to school on Tuesday, had a great day. She came  
4 to school on Wednesday, had a great day. She  
5 didn't show up the next two days.

6 Q. Okay. But the father's reported conduct  
7 to the school of one student putting his mouth on  
8 another student's genitals, did that constitute  
9 sexual harassment by Academir's standards?

10 A. Well, we asked to meet -- the principal  
11 asked to meet with the family so that she could  
12 discuss the next steps. We weren't given that  
13 opportunity.

14 Q. But the school received the report?

15 A. The report from who? Sorry.

16 Q. I understand what you're saying in  
17 regards to the investigation and the ultimate  
18 findings by the school, but just the reported  
19 conduct of what the father of Jane reported to  
20 the school, did they consider that to be a report  
21 of sexual harassment?

22 A. If they were able to communicate with  
23 the father, they would have launched the  
24 investigation. When the father came to speak to  
25 the -- one of the administrators, he wouldn't --

1 he cursed her out. He would not let her speak.  
2 He was irate. You cannot communicate with a  
3 father who has --

4 And again, I'm a parent so I know that.  
5 When you're upset about a situation, and you want  
6 it to go in a certain way -- the father did  
7 not -- the only thing that the father wanted was  
8 for us to remove the child from the school from  
9 day one. He said, "I want this child kicked out  
10 of the school. That's it." That's the  
11 only thing --

12 Q. Okay. Now --

13 A. Can I finish because I think it's  
14 important?

15 If we would have launched an  
16 investigation, if the father actually said, "Hey,  
17 look," he didn't care. He said, "All I want is  
18 the child to get kicked out of the school."  
19 That's what he so was upset about, that the child  
20 was still in school.

21 So, the principal spoke to him on the  
22 phone and said, "I cannot kick a child out of  
23 school. It doesn't happen like that. This is a  
24 public school."

25 Q. So, I understand what you're saying, but

1 it's going to take a lot longer -- I know you're  
2 telling me other information. I'm just trying to  
3 get to the questions that I'm asking you. So, I  
4 understand what you're saying as to the  
5 difficulty of communicating with the father from  
6 the school's perspective. I'm asking you:

7 When the father of Jane reported the  
8 physical contact between Jane and this other  
9 student, did the school consider that reported  
10 conduct alone to be sexual harassment?

11 A. The school would have -- obviously, they  
12 have to take a different stance at that point.  
13 But the school had already spoken to the child  
14 four times and she said no.

15 When this happened, the father himself,  
16 that same day called the police. He had already  
17 started the process. He didn't let us start  
18 anything. He didn't let us question -- he didn't  
19 let us talk to him. He didn't give the school  
20 that opportunity to be able to communicate and  
21 start the process. He went and he did it on his  
22 own.

23 So, when the police contacted, they  
24 contacted the school principal. They said, "Hey,  
25 look. I'm coming over. Can you meet me there?"

1           And I can't speak for what happened with  
2 the officer at that point. Again, you know, you  
3 can ask Ms. Bello when you meet with her, but the  
4 father jumped all of that. He didn't want to  
5 hear it. And he said, "I'm going to go to the  
6 police because the police is going to take the  
7 kid out of the school." That was his -- what he  
8 wanted to do.

9           And so you can't -- the police can't do  
10 that. The police has no jurisdiction over that.  
11 They don't have the -- these are public school  
12 students. There's a process for everything.

13           Q. So, if I understand you correctly, the  
14 school Academir did not consider that reported  
15 conduct to be sexual harassment because they had  
16 already spoken with Jane about this?

17           A. No, that's not -- they had already  
18 spoken to her. And everything that they knew of  
19 this incident was it was a verbal incident. It  
20 wasn't a harassment because it was something that  
21 did not happen prior to. The kid never even said  
22 anything to anybody else. This was a one-time  
23 thing that needed to be taken care of at the  
24 school immediately. Speaking to the parents,  
25 speaking to the students, giving the students

1 counseling, separating them. I mean, we took the  
2 matters that we had in our hand to take those  
3 measures to ensure the safety if anything ever  
4 happened.

5 You know, again, when we meet with the  
6 parents then we start -- again, you have to  
7 listen. You need to sit down and you need to  
8 listen to the parents. If at that point, it's  
9 determined, then okay, we'll launch an  
10 investigation. But the father didn't give us  
11 that opportunity. I know he went ballistic. And  
12 then, by the time all of this started, he called  
13 the cops. He called the cops. He did  
14 everything. So, the cops was already coming.  
15 The student couldn't take action because the  
16 father was already threatening and taking action  
17 and already doing everything that he was doing.

18 Q. And what day did that occur when the  
19 father called the police and the things you just  
20 mentioned?

21 A. I can't recall, but I want to say it was  
22 on Wednesday.

23 Q. And when did the school first learn of  
24 that allegation from Jane?

25 A. On Friday.



1 Q. Between Friday and Wednesday, did  
2 Academir contact any law enforcement agency about  
3 what had been reported? Yes or no?

4 A. No, they did not.

5 Q. Between Friday and Wednesday, when the  
6 father became involved and called law  
7 enforcement, did Academir contact the Florida  
8 Department of Children and Families? Yes or no?

9 A. No. It was not a sexual harassment  
10 case. The school went based on what they knew,  
11 which was a verbal comment that was made to the  
12 child. It was never brought to their attention  
13 until the following Tuesday because there was no  
14 school, it was a weekend -- it was a long  
15 weekend. And they didn't come back until Tuesday  
16 once they met with the family.

17 Q. I'll show you a document I showed you  
18 earlier. Do you recall looking at the Miami-Dade  
19 code of student conduct?

20 A. I do.

21 Q. And do you remember telling me that  
22 Academir adheres to this definition of sexual  
23 harassment?

24 A. Yes.

25 Q. Ok.

1           A.    And if you look at the example, it also  
2           says, "repeatedly talked about a female." So  
3           you're talking about repeatedly, which is the  
4           definition of harassment. When something happens  
5           repeatedly, often, constantly, that constitutes  
6           sexual harassment.

7           Q.    That's an example. Right. So, let's  
8           look at the definition. It includes verbal  
9           conduct; right?

10          A.    Uh-huh.

11          Q.    And non-verbal conduct, as well; is that  
12          right?

13          A.    Yes.

14          Q.    And it goes on to say, "that is severe  
15          or pervasive enough to create an intimidating,  
16          hostile or offensive educational environment,  
17          cause discomfort or humiliation or unreasonably  
18          interfere with the individual's school  
19          performance or participation as defined" -- and  
20          then it cites --

21          A.    Correct. Severe and pervasive.  
22          Meaning, happening repeatedly.

23          Q.    Severe or pervasive; right?

24          A.    Uh-huh.

25          Q.    And what does "severe" mean?

1           A.    On a case by case, but it's something  
2   that -- is it severe where -- did this actually,  
3   if you ask for this particular instance, the  
4   child said, "No, he hasn't done anything. He  
5   just told me."

6                   These are five-year-olds. These are not  
7   criminals. These are not adults. These are  
8   babies. These are kids that you have to teach  
9   right from wrong. And if they're just saying,  
10   "He didn't do anything. He just told me he  
11   wanted to."

12          Q.    Wanted to what?

13          A.    You can't -- "that he wanted to touch  
14   me." But, it doesn't -- again, these are young  
15   children. These are young children. And it's  
16   not something where, you know, you say, wow, you  
17   know, he's a sexual offender. He's a baby. Both  
18   of them are. And you have to take matters  
19   seriously. But you have to communicate. You  
20   have to talk to them first. You have to find out  
21   what happened, you have to see if she was hurt if  
22   he touched her.

23          Q.    And so, the other student, he is  
24   referred to as L.R., he's five years old -- is  
25   that right -- at the time of this incident?

1 A. I'm not sure. I want to say, yes.

2 Q. Okay.

3 A. They were both in kindergarten at the  
4 time.

5 Q. And in your opinion as chief operating  
6 officer of Academir schools, is it normal or  
7 appropriate behavior for a five-year-old student  
8 to discuss touching another student's vagina and  
9 breast?

10 A. It depends. It's on a  
11 student-by-student basis. There's some students  
12 that --

13 Q. It depends?

14 A. Yeah, because you're talking about cuca  
15 and tetitas and things that he may hear at home.  
16 Is he acting upon it or is he doing something  
17 beyond that? Or is he talking about it  
18 constantly. And this was the first time he had  
19 ever even said something like that.

20 Q. When is it appropriate for a  
21 five-year-old to discuss touching another  
22 student's vagina?

23 A. It depends on who the parents are and  
24 who the child is. I can't answer that question  
25 because typically in a school setting it may not

1 be.

2 Q. Well, you're the Title IX coordinator  
3 and chief operating officer. So I'm asking you:

4 In your professional opinion, in what  
5 circumstances would it be appropriate that a  
6 five-year-old --

7 A. You're talking about kindergartner --

8 Q. Hold on a moment. Let me finish my  
9 question.

10 In what circumstances would it be  
11 appropriate for a five-year-old student to  
12 discuss touching another student's vagina?

13 MS. KARRON: Object to form.

14 THE WITNESS: It never is something  
15 where it is appropriate. It's not, but  
16 that's why there were consequences to  
17 the actions that were done.

18 So, the child received a written  
19 reprimand. He received the counselling.  
20 He received the referral, which is the  
21 SCAM form. There were consequences to  
22 the actions. I'm not saying that his  
23 behavior was appropriate, which in no  
24 way, shape, or form was appropriate, but  
25 these are learning experiences for them.

1 It does not mean that the child  
2 committed a crime because he said  
3 something. You have to learn. These  
4 are babies that you have to teach and  
5 you have to let them know, "Hey, this is  
6 wrong. You don't say this in school."

7 This is why you communicate with  
8 parents, "Hey parents, if you say those  
9 words, 'cuca' and 'tetitas' around your  
10 children, don't do it because they are  
11 going to repeat them."

12 So these are the conversations you  
13 have. So I'm not saying that his  
14 behavior in any way was appropriate or  
15 any child talking about private parts in  
16 their class is appropriate. It is not.  
17 It is never appropriate, but in the  
18 context of the situation, you have to  
19 look at it and you have to say, what --  
20 if he said this or did he actually do  
21 this. And we don't know that that  
22 actually took place. And according to  
23 all of our information and the child's  
24 report to us, was that it was just a  
25 verbal comment made to her. And the

1 child was in no -- she was not in  
2 distress mode. She was not crying. She  
3 just said, "He wanted to do this." She  
4 told the teacher that. And so, if we  
5 see that the child is physically,  
6 emotionally distressed about a  
7 situation, we're like, "Okay. This can  
8 constitute harassment," but if five  
9 minutes later you see them playing and  
10 talking, then it may not because these  
11 are five-year-olds.

12 And it all depends on an individual  
13 basis. Now, if you talk about a high  
14 school student, you may be talking about  
15 something different.

16 BY MR. MACDONALD:

17 Q. Now, this other student, L.R., said that  
18 he wanted to do these things -- is that right --  
19 as it was reported?

20 A. I only -- I cannot attest to that  
21 because I was not there and I did not receive the  
22 information firsthand.

23 Q. Okay. But what was reported to Academir  
24 was that this other student, L.R., wanted to  
25 engage in a sexual act; is that right?

1           A.    He said that he wanted to touch her  
2   tetitas, yes.

3           Q.    Would you agree that that is a sexual  
4   act?

5           A.    It's not a sexual act. That is not a  
6   sexual act. That is comment. That is a  
7   statement that a child may make, but it's not an  
8   act. An act is when you actually do something  
9   about it. So, if I say, "I'm going to touch  
10   you," and I touch you, that's an act.

11          Q.    But if a student says, "I want to touch  
12   your breast," they're saying they want to engage  
13   in a sexual act; right?

14               MS. KARRON: Object to form.

15               THE WITNESS: I can probably say  
16   that, but not act on it. I can't say  
17   that. I don't know. I can't say that  
18   for sure.

19   BY MR. MACDONALD:

20          Q.    And did Academir ever determine whether  
21   the allegations of the physical contact between  
22   the two students were true or not in its  
23   estimation?

24          A.    There was not enough time to do any  
25   investigation. The child was pulled from the



1 school. And the officer that the father  
2 contacted made a report. And the dad said --

3 The officer told the principal, "The  
4 minute that the dad said, 'Oh, there was  
5 sexual -- she was touched,' the officer was --  
6 told the father, "Wait. Wait. Wait. I can't  
7 handle this. You need a detective."

8 He said, "No, yo quiero que ese nino se  
9 vaya de la escuela." That was the only thing  
10 that the father was interested in, not to do an  
11 investigation.

12 If my child is assaulted and touched, I  
13 want a detective to do an investigation. He  
14 declined it. He did not want that.

15 MS. KARRON: If you're speaking in  
16 Spanish, you need to do an English  
17 translation so the court reporter can  
18 get it down.

19 THE WITNESS: I'm so sorry. The  
20 father -- the police officer, when he  
21 contacted the principal, indicated that  
22 the father, that the minute that he told  
23 the officer that the -- that the  
24 daughter was touched by another student,  
25 assaulted by another student, the

1 officer said, "No. I'm here only to  
2 take a report. In this case you're  
3 going to need a detective."

4 And the father says, "No. No. No.  
5 No detective. We don't need a  
6 detective. I just need the child to be  
7 taken out of the school."

8 So, if my daughter is assaulted,  
9 and something actually physically  
10 happened, you'd better believe I want  
11 that detective to be there in there with  
12 me doing a full-blown investigation.

13 And he told the officer no.

14 So, when the officer came to the  
15 school, and spoke to the principal, he  
16 said the dad didn't want to launch the  
17 investigation. He didn't want a  
18 detective.

19 Regular cops just take reports.  
20 They don't do an investigation. They  
21 have to turn this case over to a  
22 detective. And the father said he  
23 didn't want that.

24 BY MR. MACDONALD:

25 Q. How do you know that?

1           A.     Because the officer communicated that  
2 with the principal.

3           Q.     And that was communicated to you from  
4 the principal?

5           A.     Correct.

6           Q.     But you were not there, were you?

7           A.     I was not.

8           Q.     And you said if you had a daughter that  
9 was assaulted you would want an investigation to  
10 be conducted by law enforcement; is that right?

11          A.     Absolutely. I would want a detective  
12 present.

13          Q.     Okay. And would you want that school  
14 that your daughter went to to conduct an  
15 investigation?

16          A.     If my daughter tells the school that  
17 nothing happened, I can't. If my daughter said,  
18 "No, nothing happened. He just said that to me,"  
19 what investigation?

20                 Now, if she told me, "Yes, I was  
21 assaulted and I did all of this," but this is a  
22 baby who is not -- who is communicating and not  
23 communicating. She communicated with the school  
24 something completely different that did not take  
25 place. And it went from touch to lick to kiss to

1 all the different things that changed the story  
2 throughout the course.

3 But if the parent initially said, "Yes,  
4 I want the investigation. I want the  
5 investigation to happen full blown with the  
6 detective," I would have called him the minute I  
7 left the school. And he didn't -- he did it  
8 three days later.

9 And again, when they offered to do the  
10 investigation by a detective, according to the  
11 principal, the father declined.

12 Q. Now, prior to the father contacting law  
13 enforcement, did the school know that he had made  
14 allegations regarding physical touching involving  
15 Jane?

16 A. You'd have to ask the school that.

17 Q. Well, you're here to testify on behalf  
18 of the school in regards to these allegations.

19 A. He communicated with the assistant  
20 principal the day of the meeting with the  
21 parents, the teacher, and the assistant  
22 principal.

23 Q. Was that before he met with law  
24 enforcement officers?

25 A. I don't believe so.

1 Q. So, when the law enforcement officers  
2 came to Academir that was the first time Academir  
3 learned about the allegations of physical  
4 touching?

5 A. No, the father contacted -- well, the  
6 father spoke to the principal over the phone  
7 about a video that he had that he wanted to show  
8 her -- that he wanted to send to her.

9 And the principal said, "No. Come on in  
10 to my office and we can talk. And we can go to  
11 the next steps and we can follow this procedure."

12 And the father never came and that's  
13 when he called the police which was on Wednesday.

14 Q. And from the employees of Academir's  
15 perspective, what he reported that Jane had said  
16 involving physical touching was not what she had  
17 reported to school employees; is that correct?

18 A. That is correct. Until Tuesday -- that  
19 was the story all until Tuesday.

20 Q. And Jane had reported the physical  
21 sexual acts at home with her parents; is that  
22 right?

23 MS. KARRON: Object to form.

24 THE WITNESS: I wasn't there, but  
25 yes, I'm assuming.

1 BY MR. MACDONALD:

2 Q. Well, isn't that what was reported to  
3 Academir by Jane's father?

4 A. Well, I wasn't present there, but that  
5 is what the father reported.

6 Q. And the father reported that Jane had  
7 been sexually assaulted by another student, true  
8 or not; correct?

9 A. Correct.

10 Q. In your opinion as chief operating  
11 officer and the Title IX coordinator for  
12 Academir, does the school have an obligation to  
13 investigate allegations of sexual assault even if  
14 they're told to a parent at home?

15 A. Yes.

16 Q. Did Academir investigate the allegations  
17 that Jane made at home?

18 A. The process was going to start. The  
19 father jumped the gun and he called the police --  
20 not jumped the gun because that's his daughter.  
21 At the end of the day that's his, you know, child  
22 and he's do entitled to do anything. And I would  
23 do everything that I could in my power. So I  
24 can't say that.

25 But the day that he went to the school,

1 his concern was only -- when he went in the  
2 morning, his concern was, "I want that kid out of  
3 this school. I want him out. I want him out. I  
4 want him out." That was the only thing that the  
5 concern was.

6 Later on in the day it changed. Later  
7 on the next day it changed.

8 So, again, at that moment, if my  
9 daughter really and truly is assaulted, I'm going  
10 to pull her. He didn't. The child came to  
11 school the next two days, but he didn't care  
12 about -- he didn't care about any of the  
13 assaults. He wanted the child to be -- that was  
14 the only demand that the father had to the  
15 principal.

16 He said, "I want him out."

17 That was his worry. He didn't -- it was  
18 later that he brought that up, "Oh, no. She was  
19 licked. She was licked."

20 And then it became, "She was touched in  
21 her pants." And then -- so every single moment  
22 it changed what he was telling the  
23 administration.

24 Q. Okay. But you said it was going to  
25 start. When was that investigation going to

1 start?

2 A. Well, you have to first meet with the  
3 parents and you have to get all of the details  
4 and the information. And he didn't.

5 When he got there, after the fact, he  
6 started screaming and yelling and cursing and  
7 going crazy. And at that point how can you  
8 communicate with an irate parent and start  
9 anything if you don't have any information? All  
10 you have is what the dad is saying --

11 Q. And just to --

12 A. -- which is not what you had gone  
13 through when you did all of your stuff until  
14 Tuesday.

15 On Tuesday the child was still saying  
16 that the child only told her something verbally.  
17 And the counselor, when she interviewed her or  
18 when she spoke to the child, did not see any  
19 physical marks, did not see saying, did not see  
20 the child in distress, nothing. The child said,  
21 "No, he just told me."

22 Q. And are there notes of that interaction  
23 between the counselor and Jane?

24 A. Yes. Usually what happens is that they  
25 do, it's not a SCAM, but it's a -- a SCAM that



1 gets documented in the DSIS, which the district  
2 portal, by the counselor. And it's her  
3 counseling notes. And it says, "Spoke to the  
4 child. Child said yada yada. And spoke to the  
5 parents."

6 And so, you document what took place  
7 there. And that is -- I know that that did take  
8 place and it's uploaded into the system.

9 Q. But you said -- you discussed  
10 communication with the parents and how the father  
11 was irate. Was the father's anger or difficulty  
12 communicating the reason why there was no  
13 investigation launched?

14 A. No, that is not -- no. The parent --  
15 you have to be able to communicate with the  
16 person who is making the allegations so that you  
17 know exactly what needs to take place, and you  
18 call and you do -- you launch the investigation.

19 But when the parent comes in and is  
20 confrontational and belittling, and is cursing  
21 and is going crazy in your office, that is very  
22 hard to do.

23 So, again, I think that, you know,  
24 having -- and that's why, you know, the principal  
25 came in and, you know, said, called him or spoke

1 to him and said, "Hey. I want you to come so  
2 that we can start this process."

3 The father never showed up. Then what  
4 happened is that then the police showed up.

5 MR. MACDONALD: Okay. I'm going to  
6 show you a document.

7 I believe this is Exhibit 4. It's  
8 Defendant's Bates labeled 288.

9 (Plaintiff's Exhibit No. 4 was  
10 marked for identification.)

11 BY MR. MACDONALD:

12 Q. I'll give you a moment to review.

13 A. Yes.

14 Q. Do you recognize this document?

15 A. Yes.

16 Q. What is it?

17 A. It's a case management form to document  
18 a meeting with the student.

19 Q. And do you know who created this  
20 document based on looking at it?

21 A. Ms. Ruiz, the school counselor.

22 Q. And does Ms. Ruiz still work for  
23 Academir?

24 A. She does not.

25 Q. When did she leave Academir?

1 A. The end of last year.

2 Q. Do you know where she works now?

3 A. I do not. She went on to do her  
4 master's program and something. And I don't  
5 know. We don't follow employees once they leave.

6 Q. And this form, this was in regard to  
7 what Jane had reported; is that right?

8 A. Correct.

9 Q. Now, on the right-hand side, there is a  
10 section that says "Service Code"; do you see  
11 that?

12 A. Yes.

13 Q. What is that?

14 A. Usually those are codes -- well, it is  
15 always codes of what took place, meeting with the  
16 students, conference with the parents, counseling  
17 session. It just depends. I don't have the  
18 codes with me, but they all stand for something.  
19 Sometimes it's written reprimand, conference for  
20 the record, yada yada?

21 Q. And are those codes referral action  
22 codes?

23 A. These are service codes. Referral  
24 action codes are when you do a student case  
25 management form for inappropriate behavior, for

1 actions that you need to take that need to be  
2 documented for verbal warnings, written  
3 reprimands, detention. It's usually a negative  
4 connotation. These are always notes that you  
5 keep when a counselor meets with a child.

6 The referral ones are very different.  
7 The referrals are actions that the school takes  
8 based on incidents that occur at the school.

9 Q. And in the comments it says, "Student  
10 felt uncomfortable due to a verbalized comment in  
11 class at dismissal. Student admitted it was only  
12 a verbal comment."

13 Do you see that?

14 A. Yes.

15 Q. Why does this report not say what the  
16 comment was?

17 A. Because this is put on a public system.  
18 And you have to protect the identity of the child  
19 and what actually took place. You don't -- you  
20 make general statements. You don't say specific  
21 things of what the child is told. It's  
22 inappropriate language that the child used.  
23 Inappropriate, you know, behavior, that was  
24 displayed. You don't document that in these.  
25 These forms are not for that. These are

1 counselling records and you don't keep that.  
2 This is a school setting, an academic setting.  
3 It's not like you're going to a counselor outside  
4 that has to document all of those things.

5 All of these forms generally are very --  
6 they read like that. And that is the way that  
7 the district wants to see it and reported.

8 Q. I'm going to show you another document.  
9 We're going to mark this as Exhibit 5. This is  
10 Defendant's Bates labeled 293.

11 (Plaintiff's Exhibit No. 5 was  
12 marked for identification.)

13 BY MR. MACDONALD:

14 Q. I'll give you a moment to review.

15 A. Can you make it a little bigger so I can  
16 see the bottom?

17 Q. Sure.

18 A. Okay.

19 Q. Do you recognize this document that I'm  
20 showing you?

21 A. Yes, the student case management form.

22 Q. And do you know what this specific form  
23 was for?

24 A. Documenting the incident with the  
25 student that allegedly said these things to the

1 student, to the young lady, Jane Doe.

2 Q. And who created this form if you can  
3 tell from looking at it?

4 A. The school principal. Well, the teacher  
5 initially writes it, the teacher. She refers it  
6 to administration. Administration then processes  
7 it.

8 So, the teacher usually says, "The  
9 student made an inappropriate or used  
10 inappropriate language with another student,"  
11 let's say. And then that form gets referred to  
12 the school principal and the actions are then  
13 taken. But you have to note -- were parents  
14 communicated with, was this child spoken to, did  
15 they contact the parents, and so forth before it  
16 gets to administration.

17 Q. And here in the description for the  
18 narrative it describes it as, "The student made  
19 an inappropriate comment to another student  
20 during class."

21 Is that right?

22 A. Yes.

23 Q. And then there are referral actions code  
24 listed here; right?

25 A. Uh-huh.

1 Q. And it looks like R-9?

2 A. Usually it's like a written reprimand,  
3 conference for the record, meeting with the  
4 family or the parents, usually those codes stand  
5 for the action that was taken.

6 Q. And that's R-9, C-6, and R-7, it looks  
7 like?

8 A. Yes, I believe so.

9 Q. Are there referral action codes for  
10 conduct that is of a sexual nature?

11 A. There is when it is a level three or  
12 above, where there's -- it is identified as that.

13 Q. What is a level three or above?

14 A. I'd have to go back into the student  
15 code of conduct and identify it.

16 Q. Is level three conduct the same sexual  
17 harassment definition that we looked at earlier  
18 for Miami-Dade County?

19 A. In the actual handbook it tells you that  
20 it has to be a level three or higher. So, in  
21 order for it to constitute that, it has to be an  
22 offense that is a level three or higher. We  
23 would have to go back to the manual. I don't  
24 have it in front of me, but the student code of  
25 conduct would indicate what a level three was and

1 explain what each one means.

2 MR. MACDONALD: Let me show you  
3 another document. We'll mark this as  
4 Exhibit 6.

5 (Plaintiff's Exhibit No. 6 was  
6 marked for identification.)

7 BY MR. MACDONALD:

8 Q. I'll give you a moment to review.

9 A. Uh-huh.

10 Q. Do you recognize these as the referral  
11 action codes for Miami-Dade County Schools?

12 A. Yes.

13 Q. And do you see on this list that there  
14 are two separate categories for sexual  
15 harassment?

16 A. Uh-huh.

17 Q. And that includes "unfounded" and  
18 "founded," it looks like; right?

19 A. Yes, under level three.

20 Q. Now, why wouldn't the referral action  
21 codes include sexual harassment?

22 A. Because it wasn't considered a  
23 harassment. It wasn't a sexual harassment from  
24 the very beginning. It was not. This referral  
25 was done immediately after the incident occurred



1 in the afternoon. And at that point, it did not  
2 constitute a sexual harassment case. It was  
3 something that happened, isolated that day. It  
4 was not something that was happening consistently  
5 or that took that to that -- identified it to  
6 that level because the child was saying it was  
7 something he said to her. He didn't act upon it.  
8 He didn't, you know -- he didn't touch her.

9 So once you have that information -- and  
10 that initial information that they had all the  
11 way through Tuesday, the child only said that the  
12 child said that to her. And she didn't say, "He  
13 said that to me multiple times." She just said,  
14 "Hey, look what he said to me."

15 Inappropriate. That is something we do  
16 at the school is "Inappropriate, very  
17 inappropriate." And we sing a song that goes  
18 along with it. So, you know, those are things  
19 that sometimes kids do. And the immediate action  
20 is -- okay. That was destructive behavior  
21 because you stopped the learning environment.  
22 You stopped me from teaching, right, and you  
23 disrupted the learning environment. I had to  
24 stop what I was doing, refer to the child and  
25 attend to that child. That is why it constituted

1 a level one offense where something happened that  
2 stopped instruction at that time.

3 And really, in this, at the end of the  
4 day, it wasn't even instruction because it was at  
5 the very end of the day when the children were  
6 getting ready to go home for dismissal. So, it  
7 wasn't that it stopped instruction in any -- it  
8 was just like, "Okay. I have to stop what I'm  
9 doing because I have to take of care of the  
10 situation." It happened at the very tail end of  
11 the day when the children were coming back inside  
12 to get their stuff from PE to line up to go home.

13 Q. Now, earlier I believe you said the  
14 other student, L.R., was disciplined or  
15 reprimanded; is that right?

16 A. Yes, he was.

17 Q. In what way was he disciplined or  
18 reprimanded by the school?

19 A. Well, he was reprimanded by the school  
20 administration.

21 This is, you know, "This is something  
22 you don't say. You don't say in school."

23 There were consequences. I know just to  
24 have that referral on file, it will remain with  
25 you all through your schooling. And he was

1 referred to a school counselor, where he also met  
2 with the school counselor. The school counselor  
3 does, I guess, sessions with him to ensure that  
4 he understands correct behavior, redirects that  
5 behavior, teaches him right from wrong and why  
6 these kind of comments have negative  
7 consequences, and what can happen as a result of  
8 this. Not to mention that we called the parents.  
9 There was a parent conference and all of that  
10 took place for this one comment that this child  
11 made, you know, those were his consequences. I  
12 don't know further beyond that, but I know that  
13 that is what I was communicated.

14 Q. And were any accommodations offered to  
15 Jane in response to these allegations?

16 A. The children were separated immediately.  
17 They were on the same table. They have kidney  
18 tables, so they sat together on the same table.  
19 They were moved. I know that the principal  
20 offered to switch classes that they could move.  
21 The parent was like, "Well, why do I have to  
22 move?"

23 And they're like, "I'll move somebody at  
24 this point. I just want to, you know, keep them  
25 away. And if you're not satisfied with just

1 moving them, we can move one of the children out.  
2 We don't have a problem with that."

3 He said, "No, I want him kicked out of  
4 the school." And that was the sentiment  
5 throughout.

6 Q. And that was the principal that offered  
7 that to Jane's father?

8 A. Yes. In addition to that we offered  
9 counseling. And obviously, we need to make sure  
10 that the child is okay. That socially,  
11 emotionally that she is okay to continue her, you  
12 know, academic day and that was done, as well as  
13 when she returned on Tuesday. We offered the  
14 class modification, the schedule, but the dad did  
15 not want that.

16 Q. And the principal's offer to have the  
17 children separated is that documented anywhere?

18 A. That was in a conversation with the  
19 parent. So, I don't know if she wrote that down  
20 somewhere.

21 Q. Are you aware of any documents that  
22 would reflect that?

23 A. No.

24 Q. Okay. Now, going back to when Jane's  
25 father informed the school of Jane's allegations

1 about the physical contact between Jane and L.R.,  
2 when the school learned of that, did they contact  
3 the Florida Department of Children and Families?

4 A. No, they did not.

5 Q. And why did they not?

6 A. Because they -- at that moment, they did  
7 not think that it was anything beyond verbal.  
8 When the father -- obviously this whole  
9 transition happened. And he came in and  
10 typically, you say, "Okay. If a child is saying  
11 this and has changed the story so much or the  
12 story went from this to this," you usually call  
13 the Department of Children and Families. By that  
14 time, the father had already called everybody.  
15 He had called the Department of Children and  
16 Families. He had called the police. So, there  
17 really was not much -- like, the school was like,  
18 "Okay. We want to meet with you. We want to do  
19 this."

20 And you also have to be careful because  
21 if the parent says, "Oh if I launch an  
22 investigation" and sometimes -- and I think that  
23 sometimes the school if they felt anything was --  
24 "Okay. If I launch it, is he going to get upset?  
25 What's going on."

1 But again, the father, the only thing he  
2 communicated with my staff is he didn't want the  
3 child there anymore. And when the principal  
4 wanted to meet with the parent to go to the next  
5 steps, he didn't come. He didn't show up. And  
6 he just showed up with the police or the police  
7 showed up and then we knew that the Department of  
8 Children and Families was called.

9 Q. Are Academir employees required to  
10 report sexual acts committed between students,  
11 minor students to the Florida Department of  
12 Children and Families?

13 A. Sexual acts, yes, when we -- absolutely.  
14 Any sexual acts, especially with such small  
15 children, but there was no acts. That was not  
16 verified. And the child herself told four  
17 employees, "He did not touch me. He just told  
18 me."

19 Q. So, the school did not believe it  
20 occurred, but you don't know that for a fact, do  
21 you?

22 A. No, I couldn't tell you that for a fact.

23 Q. So, the school made the determination  
24 that it did not happen and therefore they did not  
25 have to contact --

1           A.    I can't tell you that that was the  
2           determination, that they said it did not happen.  
3           They just -- the process wasn't allowed to  
4           continue because of the reaction of the parents.  
5           It wasn't that they weren't going to --

6                     If a parent comes in and says, "My child  
7           was touched. My child was touched," we're going  
8           to do something, absolutely, but you have to  
9           allow us to go through that process with you to  
10          help you and do the investigation. He did not  
11          allow us to do that. He became very irate and  
12          then at that point he already had the police and  
13          the investigation started. So once it's  
14          reported, you can't report and say, "Okay.  
15          Look."

16                    Usually the Department of Children and  
17          Families comes out to the school, questions  
18          students, questions administration. That never  
19          even took place either.

20          Q.    That never took place?

21          A.    They questioned the student, but they  
22          didn't come out to the school to do it, which  
23          usually takes place at the schools.

24                    When we've called the Department of  
25          Children and Families, they usually come out.

1 Q. Did Jane's father prevent anyone in the  
2 school from calling the Department of Children  
3 and Families hotline?

4 A. Not that I'm aware.

5 Q. What did he do that prevented Academir  
6 employees from contacting the Florida Department  
7 of Children and Families hotline?

8 A. Nothing I'm aware of -- anything -- I  
9 mean, the only thing that the father really did  
10 do truly was just become irate and, you know,  
11 call the assistant principal a cunt and every  
12 name in the book that you can imagine. And  
13 insulted her. And at that point, what are you  
14 going to do? "Okay. Thank you. Good-bye,"  
15 because, you know, there is no reasoning with  
16 that father at that point. You try to work with  
17 the parents to the extent, you know, in good  
18 faith and goodwill to try to resolve the  
19 situation for them. And again, when the  
20 statement -- it went from this, to this, to this,  
21 it kept changing. The story changed along the  
22 way. And at that point, the father took matters  
23 into his hands and did his reporting.

24 Q. Well, I'm trying to understand why no  
25 Academir employees contacted the Florida



1 Department of Children and Families.

2 A. Because until Tuesday -- until  
3 Tuesday -- until Tuesday, it was a verbal comment  
4 that was made to the student. Wednesday, the  
5 police was already there. So there was nothing  
6 beyond that. The school knew until Tuesday that  
7 it was all verbal, that the child was not  
8 touched, that nothing -- the child said, "He just  
9 said to me. He just told me. He didn't touch  
10 me. He just told me."

11 So, until Tuesday that was the  
12 understanding of the school. By Wednesday things  
13 had already changed.

14 Q. By Wednesday when the police came, he  
15 went into the school, you said, and got irate;  
16 correct?

17 A. Correct.

18 Q. Okay. And when he got irate, he was  
19 telling this school about this alleged incident  
20 involving the physical touching with his  
21 daughter; is that right?

22 A. And he was asked to go to the  
23 principal's office so that they could start on  
24 all of this.

25 Q. But I'm asking --

1 A. He did not go. He did not go.

2 Q. That's not what I'm asking.

3 A. I cannot tell you because I was not  
4 physically there. I can't tell you that the  
5 father then left there. I don't know if he went  
6 home, if then he sat there and then he said I'm  
7 going to call the cops. I don't know. I'm only  
8 going based off of what was relayed to me.

9 Q. I'm asking --

10 A. I'm just telling you what was reported  
11 to me, which was that the parent didn't show up,  
12 the police officer showed up on Wednesday to the  
13 campus.

14 Q. Okay. But I'm asking about when the  
15 father became upset at the school, he informed  
16 school staff about his daughter's allegation at  
17 home; correct?

18 A. He did to the assistant principal.

19 Q. Okay.

20 A. Which, again, the only reason why he was  
21 there was he was asking the child to be kicked  
22 out of school.

23 Q. Okay. And --

24 A. He got upset because of that. He got  
25 upset.

1 Q. Okay.

2 A. And he got upset because we said we  
3 could not kick a child out of school because it  
4 was a public school and things did not work that  
5 way.

6 Q. And the father told the assistant  
7 principal prior to law enforcement coming to the  
8 school; correct?

9 A. Yes.

10 Q. Why did the school not contact the  
11 Florida Department of Children and Families when  
12 they learned through the assistant principal of  
13 the allegation of the physical contact between  
14 the two students?

15 A. Because everything that -- again, we  
16 didn't know if the father was saying that because  
17 he was upset and his story changed three times  
18 because -- his story changed three times, every  
19 time he met with them. And until Tuesday, with  
20 the child, including the counselor who  
21 interviewed the child and said, you know, the  
22 child doesn't seem in any distress. These are  
23 threat assessment teams that are issued to ensure  
24 the safety of every single child. You have to  
25 first question to see if the child is in

1 distress. And, in fact, if this is something  
2 that really needs immediate attention from the  
3 Department of Children and Families or law  
4 enforcement. And the child was happy-go-lucky  
5 that day in school. She was fine. She was  
6 saying still that the other child only told her  
7 that. And at that point, the school wanted to  
8 communicate with the families to say, "Hey, let's  
9 sit down. What is that you're saying because you  
10 told the assistant principal this. You're  
11 telling me this and now it's this. So let's come  
12 to an agreement."

13 Again, he never showed. He didn't allow  
14 us to do that process for him.

15 Q. Okay. But why --

16 A. Then he took the child out of the  
17 school.

18 Q. I'm asking:

19 Why, when the assistant principal  
20 learned of that allegation did not report it to  
21 the Florida Department of Children and Families?

22 A. I don't know.

23 Q. Are you familiar with the term  
24 "mandatory reporter"?

25 A. Absolutely. Yes, we are mandatory

1 reporters, yes.

2 Q. What do you understand the word  
3 "mandatory" to mean in the term "mandatory  
4 reporter"?

5 A. When you are in doubt of a child -- in  
6 our case, in a child being in danger or in  
7 distress or you think that she is being abused,  
8 neglected, exploited, abandoned, whatever it may  
9 be you have to call them and you are responsible.

10 At that point it was not determined that  
11 she was being abused, that she was being  
12 neglected, that she was abandoned or exploited.  
13 Those are the terms under the reporting that we  
14 have to do. If you feel that -- if you feel that  
15 the child is being sexually molested or abused  
16 without a doubt you have to call them.

17 Q. Without a doubt?

18 A. Whether it's -- without a doubt.

19 If it's a teacher or a parent.

20 But at that moment, it was not. At that  
21 moment there was no doubt. The child was  
22 constantly telling us, no, that this was -- that  
23 he just made a comment to her. I cannot report,  
24 you know, another -- or she won't report another  
25 child or I don't -- and I can't speak on their

1       behalf. But if the child from what you know and  
2       you know that the child, based on the information  
3       that she is providing you was not abused, that  
4       there seems to be no neglect, that the child is  
5       not abandoned or being exploited, it doesn't  
6       constitute that.

7               If the child herself tells me,  
8       "Ms. Bernal, he touched me. He hurt me. He did  
9       this to me," 100 percent this that is our due  
10      diligence. That is our responsibility as loco  
11      parentis. That is our number one priority, but  
12      at that instant, at that moment the child not  
13      did. The child not in any way, shape, or form  
14      say any of that.

15       Q.    So, because the school doubted the  
16      accuracy of that report, they did not have to  
17      contact the Florida Department of Children and  
18      Families?

19       A.    We did not doubt -- I cannot say that  
20      they doubted they accuracy. They didn't. They  
21      tried to meet with the father. The father became  
22      very belligerent with them. So it wasn't -- and  
23      then did not show up to the meeting with the  
24      principal. He didn't show up to meet with the  
25      principal. The principal would have started that

1 process, because that was it at that point. He  
2 refused to. She said, "I'll go see you where you  
3 are. I'll go meet you at the school. Can you  
4 meet me there?"

5 He said, "No. Absolutely no." So, at  
6 that point, there's a -- you try to work with  
7 them, but if there is something actually  
8 happening, I don't think that --

9 These are all educators. These are  
10 people that we don't want -- it is in our best  
11 interest to ensure their safety. That's our  
12 number one priority. At that moment, it was not  
13 a harassment case, at that moment, the child was  
14 not in distress nor was she -- nor were there any  
15 signs or indication that she was physically  
16 abused. She was not.

17 Q. Are you aware that Jane's father did end  
18 up calling the Department of Children and  
19 Families?

20 A. I did. I found out through the reports  
21 that you guys put together.

22 Q. Did you review that report?

23 A. Yes.

24 Q. And so, based on reviewing that report  
25 you're aware that Jane told an investor from the

1 Florida Department of Children of Families that  
2 she was in fact physically --

3 A. I didn't read that report. I just read  
4 the report that you guys put together not the  
5 report from the Department of Children and  
6 Families. I'm not privy to that. I didn't read  
7 that so I don't have that information.

8 MR. MACDONALD: So, I'll show you  
9 another exhibit. We'll mark this it as  
10 Plaintiff's Exhibit 7. And this is  
11 Plaintiff's Bates labeled DCF 1  
12 through 14.

13 (Plaintiff's Exhibit No. 7 was  
14 marked for identification.)

15 BY MR. MACDONALD:

16 Q. And I'll give you a moment to review as  
17 I share my screen.

18 A. Okay. That is the demographic  
19 information.

20 Q. What was that?

21 A. That's just the demographic information.  
22 Okay. That was the allegations that the father  
23 made or the parent made.

24 So, what the father communicated to the  
25 school is that it happened in a class on a table



1 where they were sitting. So, in PE it says that  
2 right there -- right there it says right after  
3 the incident occurred in PE, the child ran to the  
4 teacher who told the school staff.

5 So, it was said that it took place in  
6 her classroom.

7 Q. Okay. But based on -- but this report  
8 from the Florida Department of Children and  
9 Families, it doesn't just say the conduct was  
10 just verbal; correct?

11 A. No, that was the report that was made.  
12 That was not what the findings were. That was  
13 the allegation narrative that she took down from  
14 the parents. That's not something that --

15 Q. I'll show you another page. Do you see  
16 this section under "Narrative"?

17 A. I do.

18 Q. Do you see where it says, "They  
19 disclosed that her friend from her old school  
20 licked her private parts. She said that  
21 the parts that licked were her poop and pee  
22 pee. She stated that this happened in the  
23 classroom. She said that this happened more than  
24 once."

25 Do you see that?

1 A. I see that.

2 Q. Is that the parent's allegations?

3 MS. KARRON: Object to form.

4 BY MR. MACDONALD:

5 Q. Based on this report, it appears to be  
6 Jane's allegations; would you agree?

7 MS. KARRON: Object to form.

8 THE WITNESS: I wasn't there, but  
9 whatever is in the narrative is in the  
10 narrative.

11 And it also says in the previous --  
12 she was in a previous school with him.

13 BY MR. MACDONALD:

14 Q. Okay.

15 A. I don't know. It could have happened in  
16 the previous school. Again -- "her poop and her  
17 pee pee." Okay.

18 Q. And do you see this section labeled as  
19 "Maltreatment" under "Narrative"?

20 A. Yes, I do.

21 Q. And do you see in that section it says,  
22 "Child shows serious emotional symptoms requiring  
23 intervention and/or lacks behavioral control,  
24 and/or exhibits self-destructive behavior that  
25 parent/caregiver is unwilling or unable to

1 manage."

2 Do you see that?

3 A. I do see that.

4 Q. At any point did Jane show any of those  
5 emotional symptoms resulting from what had  
6 occurred to Academir employees?

7 A. She -- not to my knowledge. And I don't  
8 know the child so I haven't seen her personally.  
9 The school would be able to and the teacher would  
10 be able to tell you more about her typical  
11 behavior.

12 Q. Did anyone from Academir report any  
13 symptoms like that to you as Title IX coordinator  
14 or chief operating officer?

15 A. No, they did not. They just -- you  
16 know, mentioned, she was very sensitive and  
17 things like that, but nothing out of the  
18 ordinary. These are kindergarten kids, you know,  
19 but the teacher may have more to say on that. I  
20 can't speak for her.

21 I'm just going to get water. Give me a  
22 second.

23 MR. MACDONALD: Let's take a quick  
24 five-minute break. I just want to check  
25 my notes. And we should be able to wrap

1 up in a moment here. So, we'll come  
2 back in five minutes. Thank you.

3 (A brief break was had.)

4 MR. MACDONALD: I just want to show  
5 you one more document. We'll mark this  
6 as Plaintiff's Exhibit 8.

7 (Plaintiff's Exhibit No. 8 was  
8 marked for identification.)

9 BY MR. MACDONALD:

10 Q. Do you recognize this document I'm  
11 showing you?

12 A. Yes.

13 Q. And do you recognize this document as  
14 Academir Charter Schools, Inc., Amended Answers  
15 to Interrogatories?

16 A. Yes.

17 Q. And before I go to specific questions, I  
18 wanted to show you this page here at the end. Do  
19 you recognize that name here that signed this  
20 document?

21 A. Alexander Casas.

22 Q. And do you see that he signed this under  
23 penalty of perjury?

24 A. I don't know. Do I answer that? Yes.

25 Q. Do you see that he signed to the

1 accuracy of these answers? Can you give a verbal  
2 "yes" for the court reporter.

3 A. I did. I said, yes.

4 Q. Thank you. I want to draw your  
5 attention to number ten. I'll give you a moment  
6 to read that.

7 A. Okay.

8 Q. Is that response accurate for number  
9 ten?

10 A. If they have Academir Charter Schools --  
11 I'm not understanding. Academir Charter Schools  
12 has ever been accused of --

13 Q. In the last seven years has Academir  
14 Charter Schools ever had a report of sexual  
15 harassment by a student?

16 A. Okay.

17 Q. Have they?

18 A. If there is a sexual harassment that  
19 we've processed that we have on record saying  
20 that it happened, no.

21 Now, obviously this is different because  
22 parents are alleging that this is -- that this  
23 sexual harassment took place. That would be  
24 different. Prior to that, I -- they don't have  
25 that -- there is no documentation of that.

1 Q. There is no documentation of past sexual  
2 harassment complaints in the past seven years or  
3 there were no past sexual harassment complaints  
4 in the past seven years?

5 A. On behalf of the governing board -- by  
6 the time that it gets to the governing board, no.  
7 If there was -- not of students to students.  
8 There is always going to be issues that may arise  
9 at the school, but I don't think that the  
10 statement that, you know, we have ever been in a  
11 case that we're in front of, you know -- in front  
12 of attorneys with this, no. This is the first  
13 time we've ever gone through something like this.  
14 And this is the first. At least in my opinion  
15 and I've been here for nine years and this is the  
16 first.

17 And I don't know how long Mr. Casas has  
18 been here. Well, he's been here for 10 or 11  
19 years and I don't think that he has ever had his  
20 staff go to trial because of an allegation.

21 Q. Okay. I'm not asking about lawsuits or  
22 anything involving attorneys. I'm asking if any  
23 student in the past seven years has ever made an  
24 allegation of sexual harassment at Academir  
25 Charter Schools?

1           A.    No.  If they make a comment or  
2   complaint, I mean, you know, it's very different.  
3   The case that I shared with you, the child said  
4   that there was an adult standing with his pants  
5   down in the stall.  That does not constitute  
6   something with, you know, sexual harassment.  We  
7   haven't had a staff or anything like that  
8   involved in a sexual harassment case with  
9   students that I'm aware of in this role this last  
10  year, no, that there has been with the exception  
11  of this student now, Jane Doe, that we've had,  
12  that is the first time that I've seen it in this  
13  role this time around.  As a Title IX and my  
14  newly added thing to my role -- one of my roles,  
15  you know, while there may be something that a  
16  child says, you know, but it has never been  
17  brought.  And that's why you're asking me these  
18  questions and sometimes I'm like I don't even  
19  know because we have never had a serious case.  
20  If there is something like that maybe with  
21  teachers, but never with students that we've had  
22  this type of case beyond this one here that we're  
23  facing.

24           Q.    So, just to clarify.  I'm not asking you  
25  about a case.

1 In the past seven years in any role that  
2 you've served at Academir, are you aware of any  
3 student making a report of sexual harassment of  
4 any kind?

5 A. In the past seven years as a principal  
6 and prior to this role, no, because I was a  
7 principal and I didn't have that issue. Here in  
8 this role, these minor things that I've seen, but  
9 never a sexual allegation to the point where  
10 we're at now.

11 Q. Okay. But you're not answering my  
12 question. I'm not asking if --

13 A. I can't respond for another person who  
14 said that. I can't say that he has never seen  
15 it. I haven't seen it except for this case that  
16 I have here with the exception of some minor  
17 things, but those are kid things that are taken  
18 care of and nobody said I want to file an  
19 allegation harassment, that, you know, I've been  
20 sexually harassed. Never have I seen that.  
21 Never.

22 Q. Okay. But I'm not asking if Mr. Casas  
23 has ever seen --

24 A. You asked me if I had seen it in my  
25 seven years here a sexual harassment, never, with



1 the exception of this case here.

2 Q. And that includes any complaint by a  
3 student regardless of whether it became a  
4 formal --

5 A. I can't answer that because in seven  
6 years I wasn't in this role. So, I don't know if  
7 it happened at another campus or something like  
8 that. I can't answer that question. I wasn't  
9 there and that was not my role so I can't answer  
10 that question.

11 Q. Okay. But from your personal knowledge,  
12 let's say in the times --

13 A. And I said no. The only case that I'm  
14 aware of --

15 Q. Hold on. Just so the court reporter can  
16 record what we're saying.

17 In the time that you've worked at  
18 Academir in any role, have you ever received  
19 personal knowledge of any complaint by a student,  
20 informal or formal, any kind of allegation of  
21 sexual harassment? Yes or no?

22 A. No.

23 Q. Thank you.

24 A. With the exception of this case. With  
25 the exception of this case.

1 Q. Of course. Now, previously you  
2 mentioned conducting Title IX investigations in  
3 your role as Title IX coordinator; is that  
4 correct?

5 A. Correct.

6 Q. Did any of those Title IX investigations  
7 involve allegations of sexual harassment?

8 A. No. Like I shared with you the last one  
9 that was -- we were involved in involved one of  
10 the aftercares with their pants down. There was  
11 no touching. There was nothing. He just thought  
12 it was funny and he read Diary of a Wimpy Kid and  
13 that was the last one. And again, unfounded. So  
14 it was nothing that the child was complaining  
15 that he was sexually harassed.

16 Q. Okay. Outside of that incident, were  
17 there any other Title IX investigations that you  
18 conducted?

19 A. No. Not to that extent, no. When I'm  
20 involved if it's -- like, you know, a teacher  
21 took a picture and it was out of context, and a  
22 child said something, you know, but nothing  
23 physically as a sexual assault itself that they  
24 felt they were abused or anything of that nature,  
25 that they were touched, that they were fondled,

1 nothing like that.

2 Q. Have there been report of sexual  
3 comments in your time as a Title IX coordinator?

4 A. I'm sure, but a comment is very  
5 different from a sexual harassment, from kids --  
6 kids are kids. And I couldn't tell you, no, that  
7 a kid is not going to make a sexual comment to  
8 another kid. You know, they are kids. I can't  
9 tell you no.

10 Q. As you can --

11 A. I can't tell you no. I can't tell you  
12 no. In this particular role I haven't seen it.

13 As a principal perhaps somebody says, "I  
14 like you. You're cute. You've got a big butt,"  
15 something like that but nothing where there was a  
16 sexual harassment complaint regarding an  
17 incident, an assault.

18 Q. And now, I want to draw your attention  
19 to question 11. I'll give you a moment to  
20 review.

21 A. Okay. Yes.

22 Q. Now earlier; -- well, let me start with  
23 this:

24 Is that response accurate?

25 A. For employees, yes.

1 Q. Well, this question asked about Title IX  
2 compliance. It doesn't limit it to employees; is  
3 that right?

4 A. This is how we conduct our day to day as  
5 to what is required of our employees with regards  
6 to Title IX, with regards to their training, with  
7 regards to their reporting.

8 Q. And their reporting and investigation of  
9 Title IX complaints; correct?

10 A. Correct.

11 Q. And that would include student  
12 complaints under Title IX; right?

13 A. Right.

14 Q. Okay. Now, in this list of documents  
15 and policies, do you see the policy that you  
16 described earlier relating to, I believe it  
17 was --

18 A. No, because this is just the teacher  
19 handbook. The fiscal policies and procedures are  
20 not part of the handbook.

21 Q. Sorry. I just wanted to finish my  
22 question there.

23 I believe earlier you testified  
24 regarding a place in the principal's compliance  
25 binder that states that you are responsible for

1 handling student Title IX matters and it contains  
2 other additional information about Title IX. Is  
3 that document or policy listed in this response?

4 A. No.

5 Q. Do you know why?

6 A. Because this particular one only  
7 pertains to our faculty and staff, the teachers,  
8 right. And following the student code of  
9 conduct, this is for reporting sexual harassment.  
10 Having to go through the training, this  
11 particular manual would not have that. It's  
12 under the fiscal policies and procedures for the  
13 day-to-day operations. And so, it is the  
14 responsibility of the principal to share that  
15 with her staff.

16 But this is just the required policies  
17 that are in place for teachers, right. Now, the  
18 policies for following specific procedures for  
19 the day-to-day operations will not necessarily  
20 include all of that, would not include every  
21 single policy that we have in place for different  
22 things; for financing, for budgeting, for  
23 enrollment. I would not give that to the  
24 teachers. That is not part of this handbook.  
25 This only the teacher handbook -- the teacher

1 faculty handbook.

2 Q. To be clear you'd agree that this  
3 question requests policies and procedures related  
4 to Title IX; right?

5 A. Yeah, but this is for faculty and --  
6 these are employees. This is not Title IX for  
7 students.

8 Q. Where are you reading that?

9 A. Because all of the stuff that you  
10 mentioned here, that you scrolled down through,  
11 that pertains to the faculty and staff handbook.

12 Q. Okay.

13 A. It's not a parent-student handbook.  
14 It's a handbook for the faculty. So when  
15 reporting the harassment, you know, for  
16 themselves, for, you know, compliance with  
17 D.A. -- well, the training through ADP. The  
18 person that is in charge of that, which is Xenia.  
19 So, that is what that is talking about.

20 Q. And you're referring to this section  
21 here; right?

22 A. Well, the section of the manual -- you  
23 have a combination of the management agreement  
24 and the section of the faculty handbook.

25 Q. And you're referring to this part listed

1 here as "Answer"; correct?

2 A. That is correct.

3 Q. I'm asking you about the question.  
4 "Describe in detail any policies or procedures  
5 related to Title IX compliance."

6 Do you see that?

7 A. I don't know who responded.

8 Q. I'm not asking you --

9 A. I can't answer to something I didn't do  
10 myself. So, if I would have been able to tell  
11 you all of these things because I wrote it or I  
12 did it and I can explain, I can't. This is  
13 something that was put together for answers.

14 And again, you know --

15 Q. Ms. Bernal --

16 A. I'm sure that in that little excerpt  
17 they're not going to put everything that has to  
18 do with Title IX? I'm sure that -- you know, you  
19 have a combination of things that were put  
20 together, to, you know -- that the training was  
21 there, that we follow the policies, that there  
22 were procedures in place, that management carries  
23 it out. You're not going to get all of the  
24 information that you need here.

25 Q. You're here to testify regarding Title

1 IX policies --

2 A. And I have.

3 Q. -- regarding Defendant Academir,  
4 Academir Charter School Services.

5 A. Correct.

6 Q. Okay. And you were also expected to  
7 testify regarding these responses. So, I'm not  
8 asking you about faculty or staff. I'm asking  
9 you if you see in this response the policy  
10 relating to Title IX that you described to me  
11 earlier that is related to fiscal policies and  
12 procedures.

13 A. It's not there.

14 Q. And that is a policy regarding Title IX  
15 that --

16 A. The only thing that I see referred to  
17 there is the employee handbook and the student  
18 code of conduct. That is the only things that  
19 was added to that answer.

20 Q. And that fiscal policy also references  
21 Title IX; correct?

22 A. Yes, it does.

23 Q. Okay. Do you see number 12 there? I'll  
24 give you a moment to review.

25 A. Yes.



1 Q. Is that response accurate?

2 A. Not necessarily because I know that  
3 things were updated. Minor things were updated  
4 of who to contact for what. And this is a new  
5 role. So, I know that they were updated over the  
6 summer in terms of who to contact because Xenia  
7 really only does the HR.

8 Q. So, the Title IX policies for Academir  
9 were updated within the past five years?

10 A. Yes, they were.

11 Q. Do you know how many times?

12 A. I can only attest to one.

13 Q. And that one time was in the summer that  
14 you had mentioned earlier?

15 A. Yes, when we decided to break it down so  
16 everybody has a point of contact for -- according  
17 to staff, students, and vendors. And then the  
18 form was changed to the digital form.

19 Q. Was that change made after Jane brought  
20 these allegations against Academir?

21 A. Yes, because this happened last fiscal  
22 year, if I'm not mistaken, so yeah.

23 Q. Are you aware of any other changes that  
24 were made to Academir's Title IX policy besides  
25 that one that was made in the summer most

1 recently?

2 A. No, I'm not aware of -- I'm not privy to  
3 that. No.

4 Q. And prior to those changes that you made  
5 in the summer to that policy were the words  
6 "Title IX" included in that policy?

7 A. Yes.

8 MR. MACDONALD: And those are all  
9 the questions I have for you today,  
10 Ms. Bernal.

11 I appreciate it.

12 MS. KARRON: I have no questions.  
13 We'll waive.

14 (Reading and signing were waived.)

15 (Thereupon, the taking of the  
16 deposition was concluded at 4:44 p.m.)  
17  
18  
19  
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21  
22  
23  
24  
25

CERTIFICATE OF OATH

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I, the undersigned Notary Public, in and  
for the State of Florida, hereby certify that  
OLIVIA ANGELICA BERNAL personally appeared before  
me on May 9, 2024, and was duly sworn by me.

WITNESS my hand and official seal this  
9th day of June, 2024.

*Katiana Louis*

---

KATIANA LOUIS  
Notary Public-State of Florida  
COMMISSION #HH 443618  
EXPIRES September 13, 2027

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I, KATIANA LOUIS, do hereby certify that  
I was authorized to and did stenographically  
report the foregoing deposition; and that the  
transcript is a true and correct transcription of  
the testimony given by the witness.

I further certify that I am not a  
relative, employee, attorney or counsel of any of  
the parties, nor am I a relative or employee of  
any of the parties' attorney or counsel connected  
with the action, nor am I financially interested  
in the action.

Dated this 9th day of June, 2024.

*Katiana Louis*

KATIANA LOUIS

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<b>disbursed</b> (2)		<b>ese</b> (1)	<b>extent</b> (3)
<b>disbursement</b> (1)	<b>&lt; E &gt;</b>	<b>ESOL</b> (1)	<b>&lt; F &gt;</b>
<b>discarded</b> (1)	<b>earlier</b> (27)	<b>especially</b> (9)	<b>facets</b> (1)
<b>disciplined</b> (2)	<b>early</b> (1)	<b>ESQUIRE</b> (3)	<b>facilities</b> (1)
<b>disclosed</b> (1)	<b>earn</b> (3)	<b>essence</b> (1)	<b>facing</b> (1)
<b>discomfort</b> (1)	<b>earned</b> (1)	<b>ESSER</b> (2)	<b>fact</b> (9)
<b>disconnected</b> (1)	<b>East</b> (2)	<b>established</b> (2)	<b>facts</b> (1)
<b>Disconnection</b> (1)	<b>easy</b> (2)	<b>Esther</b> (8)	<b>faculty</b> (11)
<b>discontent</b> (2)	<b>edited</b> (1)	<b>estimation</b> (1)	<b>faith</b> (1)
<b>discriminated</b> (1)	<b>education</b> (17)	<b>evaluated</b> (2)	<b>fall</b> (2)
<b>discrimination</b> (1)	<b>Educational</b> (9)	<b>evaluation</b> (3)	<b>falls</b> (2)
<b>discuss</b> (5)	<b>educator</b> (2)	<b>event</b> (1)	<b>familiar</b> (6)
<b>discussed</b> (8)	<b>educators</b> (1)	<b>events</b> (1)	<b>Families</b> (34)
<b>discusses</b> (3)	<b>effect</b> (3)	<b>Everybody</b> (15)	<b>family</b> (3)
<b>dismissal</b> (2)	<b>effectively</b> (1)	<b>evidence</b> (2)	<b>father</b> (57)
<b>display</b> (1)	<b>either</b> (8)	<b>exact</b> (2)	<b>father's</b> (4)
<b>displayed</b> (1)	<b>electronic</b> (4)	<b>exactly</b> (7)	<b>fear</b> (1)
<b>displaying</b> (1)	<b>electronically</b> (3)	<b>exam</b> (2)	<b>federal</b> (13)
<b>displays</b> (1)	<b>elementary</b> (4)	<b>EXAMINATION</b> (2)	<b>feedback</b> (1)
<b>disrupt</b> (1)	<b>embarrassed</b> (1)	<b>Examinations</b> (1)	<b>feel</b> (10)
<b>disrupted</b> (2)	<b>emergency</b> (4)	<b>examined</b> (1)	<b>fellowship</b> (1)
<b>distinguish</b> (2)	<b>emotional</b> (2)	<b>example</b> (6)	<b>felt</b> (6)
<b>distraught</b> (1)	<b>emotionally</b> (2)	<b>Examples</b> (1)	<b>female</b> (2)
<b>distress</b> (8)	<b>employed</b> (5)	<b>exception</b> (12)	<b>fifth</b> (4)
<b>distressed</b> (1)	<b>employee</b> (52)	<b>excerpt</b> (1)	<b>fighting</b> (1)
<b>DISTRICT</b> (35)	<b>employees</b> (55)	<b>executed</b> (1)	<b>figure</b> (1)
<b>District's</b> (7)	<b>employer</b> (1)	<b>executive</b> (3)	<b>file</b> (34)
<b>doc</b> (2)	<b>encompasses</b> (1)	<b>Exhibit</b> (26)	<b>files</b> (2)
<b>document</b> (51)	<b>encumbers</b> (1)	<b>exhibits</b> (1)	<b>filing</b> (1)
<b>documentation</b> (9)	<b>ended</b> (1)	<b>existed</b> (2)	<b>fill</b> (7)
<b>documented</b> (10)	<b>enforced</b> (1)	<b>exists</b> (1)	<b>final</b> (2)
<b>Documenting</b> (1)	<b>enforcement</b> (8)	<b>expand</b> (1)	<b>finances</b> (2)
<b>documents</b> (14)	<b>engage</b> (4)	<b>expansion</b> (3)	<b>financial</b> (2)
<b>DOE</b> (7)	<b>engagement</b> (1)	<b>expected</b> (1)	<b>financially</b> (2)
<b>doing</b> (12)	<b>English</b> (1)	<b>expel</b> (2)	<b>financials</b> (2)
<b>doubt</b> (11)	<b>enrollment</b> (7)	<b>expelled</b> (1)	<b>financing</b> (1)
<b>doubted</b> (2)	<b>enrollments</b> (1)	<b>experience</b> (2)	<b>find</b> (5)
<b>drafted</b> (1)	<b>ensure</b> (34)	<b>experiences</b> (1)	<b>finding</b> (5)
<b>draw</b> (4)	<b>ensured</b> (1)	<b>EXPIRES</b> (1)	<b>findings</b> (8)
<b>drink</b> (1)	<b>ensuring</b> (3)	<b>explain</b> (6)	<b>fine</b> (9)
<b>Drive</b> (2)	<b>entails</b> (1)	<b>explained</b> (4)	<b>finish</b> (7)
<b>Dropbox</b> (1)	<b>enter</b> (7)	<b>explaining</b> (1)	<b>fire</b> (2)
<b>dropdown</b> (1)	<b>entered</b> (1)	<b>explains</b> (1)	



<b>first</b> (47)	<b>future</b> (1)	<b>guidelines</b> (5)	<b>Hold</b> (8)
<b>firsthand</b> (1)		<b>guides</b> (2)	<b>holder</b> (1)
<b>fiscal</b> (23)	<b>&lt; G &gt;</b>	<b>gun</b> (2)	<b>home</b> (10)
<b>fiscally</b> (1)	<b>gain</b> (1)	<b>guys</b> (5)	<b>homework</b> (1)
<b>five</b> (8)	<b>GARRISON</b> (1)		<b>hostile</b> (1)
<b>five-minute</b> (1)	<b>GARY</b> (1)	<b>&lt; H &gt;</b>	<b>hotline</b> (2)
<b>five-year-old</b> (4)	<b>gather</b> (3)	<b>hair</b> (1)	<b>hours</b> (1)
<b>five-year-olds</b> (8)	<b>gathered</b> (1)	<b>half</b> (2)	<b>housed</b> (1)
<b>floor</b> (1)	<b>gathers</b> (1)	<b>hand</b> (10)	<b>HR</b> (23)
<b>FLORIDA</b> (27)	<b>general</b> (10)	<b>handbook</b> (17)	<b>human</b> (1)
<b>folder</b> (3)	<b>generally</b> (5)	<b>handbooks</b> (5)	<b>humiliation</b> (1)
<b>follow</b> (35)	<b>generate</b> (2)	<b>handle</b> (25)	<b>hungry</b> (1)
<b>followed</b> (2)	<b>generic</b> (1)	<b>handled</b> (8)	<b>hurt</b> (6)
<b>following</b> (11)	<b>genitals</b> (2)	<b>handles</b> (5)	<b>hurts</b> (3)
<b>follows</b> (6)	<b>gentleman</b> (2)	<b>handling</b> (18)	
<b>fondled</b> (1)	<b>gesture</b> (1)	<b>hands</b> (2)	<b>&lt; I &gt;</b>
<b>food</b> (1)	<b>gestures</b> (1)	<b>handwritten</b> (1)	<b>identical</b> (3)
<b>footage</b> (1)	<b>getting</b> (5)	<b>happen</b> (14)	<b>identification</b> (9)
<b>force</b> (1)	<b>girl</b> (5)	<b>happened</b> (52)	<b>identified</b> (5)
<b>foregoing</b> (1)	<b>give</b> (36)	<b>happening</b> (13)	<b>identify</b> (2)
<b>Form</b> (91)	<b>given</b> (10)	<b>happens</b> (12)	<b>identifying</b> (1)
<b>formal</b> (2)	<b>gives</b> (1)	<b>happy</b> (5)	<b>identity</b> (2)
<b>forms</b> (4)	<b>giving</b> (2)	<b>happy-go-lucky</b> (1)	<b>image</b> (1)
<b>for-profit</b> (1)	<b>go</b> (87)	<b>harassed</b> (3)	<b>imagine</b> (6)
<b>Fort</b> (1)	<b>goes</b> (7)	<b>Harassment</b> (96)	<b>immediate</b> (4)
<b>FORTE</b> (1)	<b>going</b> (81)	<b>harassment/assault</b>	<b>immediately</b> (14)
<b>forth</b> (4)	<b>Good</b> (3)	<b>(1)</b>	<b>impacted</b> (1)
<b>forward</b> (4)	<b>Good-bye</b> (1)	<b>hard</b> (4)	<b>implemented</b> (1)
<b>found</b> (3)	<b>goodwill</b> (1)	<b>harm's</b> (1)	<b>important</b> (2)
<b>founded</b> (1)	<b>Google</b> (5)	<b>head</b> (2)	<b>impossible</b> (2)
<b>Four</b> (9)	<b>governing</b> (6)	<b>hear</b> (4)	<b>improve</b> (1)
<b>frame</b> (4)	<b>government</b> (3)	<b>heard</b> (1)	<b>inappropriate</b> (12)
<b>FREEMAN</b> (1)	<b>grab</b> (1)	<b>hectic</b> (1)	<b>inappropriately</b> (3)
<b>Friday</b> (6)	<b>grade</b> (2)	<b>held</b> (2)	<b>inaudible</b> (1)
<b>Fridays</b> (1)	<b>grader</b> (1)	<b>he'll</b> (1)	<b>incident</b> (69)
<b>friend</b> (2)	<b>graduations</b> (1)	<b>help</b> (14)	<b>incident/injury</b> (1)
<b>friends</b> (1)	<b>grant</b> (3)	<b>helpful</b> (3)	<b>incidents</b> (10)
<b>front</b> (11)	<b>grants</b> (19)	<b>helping</b> (4)	<b>include</b> (11)
<b>froze</b> (2)	<b>graphic</b> (1)	<b>helps</b> (1)	<b>included</b> (9)
<b>FTE</b> (10)	<b>great</b> (3)	<b>Hey</b> (21)	<b>includes</b> (6)
<b>full</b> (8)	<b>grievance</b> (8)	<b>HH</b> (1)	<b>including</b> (4)
<b>full-blown</b> (4)	<b>grievances</b> (4)	<b>high</b> (2)	<b>indicate</b> (1)
<b>full-time</b> (3)	<b>grieved</b> (1)	<b>higher</b> (2)	<b>indicated</b> (2)
<b>fully</b> (3)	<b>GROUP</b> (1)	<b>high-quality</b> (1)	<b>indicates</b> (2)
<b>funded</b> (1)	<b>grow</b> (1)	<b>hinders</b> (1)	<b>indication</b> (2)
<b>funding</b> (14)	<b>growth</b> (4)	<b>hired</b> (1)	<b>indirect</b> (3)
<b>funds</b> (4)	<b>guess</b> (3)	<b>hiring</b> (2)	<b>individual</b> (11)
<b>funny</b> (2)	<b>guidance</b> (5)	<b>Hispanic</b> (1)	<b>individualized</b> (1)
<b>further</b> (8)	<b>guide</b> (1)	<b>hit</b> (1)	<b>individually</b> (1)

<p> <b>individuals</b> (6)  <b>individual's</b> (1)  <b>informal</b> (1)  <b>information</b> (57)  <b>informed</b> (3)  <b>informs</b> (1)  <b>in-house</b> (1)  <b>initial</b> (6)  <b>initially</b> (7)  <b>initiate</b> (1)  <b>initiated</b> (2)  <b>injured</b> (3)  <b>injury</b> (3)  <b>in-person</b> (1)  <b>inquiry</b> (1)  <b>inquisitive</b> (1)  <b>insert</b> (1)  <b>inside</b> (1)  <b>instance</b> (4)  <b>instances</b> (3)  <b>instant</b> (1)  <b>institutions</b> (4)  <b>instruction</b> (4)  <b>instructional</b> (1)  <b>insulted</b> (1)  <b>insurance</b> (1)  <b>Intake</b> (9)  <b>interaction</b> (1)  <b>interest</b> (3)  <b>interested</b> (2)  <b>interfere</b> (1)  <b>internally</b> (2)  <b>Interrogatories</b> (2)  <b>interrupt</b> (2)  <b>intervention</b> (2)  <b>interview</b> (6)  <b>interviewed</b> (3)  <b>interviewing</b> (3)  <b>interviews</b> (4)  <b>intimidating</b> (1)  <b>investigate</b> (2)  <b>investigated</b> (1)  <b>investigating</b> (1)  <b>investigation</b> (112)  <b>investigations</b> (22)  <b>investor</b> (1)  <b>invite</b> (1)  <b>invoicing</b> (1)  <b>involve</b> (5)                 </p>	<p> <b>involved</b> (30)  <b>involvement</b> (1)  <b>involves</b> (1)  <b>involving</b> (11)  <b>irate</b> (9)  <b>isolated</b> (3)  <b>isolation</b> (1)  <b>issue</b> (8)  <b>issued</b> (4)  <b>issues</b> (8)  <b>items</b> (4)  <b>its</b> (3)  <b>IX</b> (204)    <b>&lt; J &gt;</b>  <b>JANE</b> (31)  <b>Jane's</b> (11)  <b>Jmchaffie@garrisonyo</b>  <b>unt.com</b> (1)  <b>job</b> (9)  <b>join</b> (1)  <b>jokes</b> (1)  <b>judge</b> (1)  <b>JULIE</b> (2)  <b>Julie.karron@fmglaw.</b>  <b>com</b> (1)  <b>jumped</b> (3)  <b>June</b> (3)  <b>jurisdiction</b> (1)  <b>jury</b> (1)    <b>&lt; K &gt;</b>  <b>K-12</b> (5)  <b>KARRON</b> (37)  <b>Katiana</b> (4)  <b>keep</b> (21)  <b>keeping</b> (3)  <b>keeps</b> (1)  <b>kept</b> (15)  <b>Key</b> (2)  <b>kick</b> (2)  <b>kicked</b> (4)  <b>kid</b> (8)  <b>kidney</b> (1)  <b>kids</b> (20)  <b>kind</b> (23)  <b>kindergarten</b> (4)  <b>kindergartner</b> (2)  <b>kindergartners</b> (6)                 </p>	<p> <b>kinds</b> (2)  <b>kiss</b> (10)  <b>kissing</b> (5)  <b>knee</b> (1)  <b>knew</b> (10)  <b>know</b> (289)  <b>knowledge</b> (7)  <b>known</b> (2)  <b>knows</b> (1)  <b>KYLE</b> (7)  <b>Kyle@dereksmithlaw.</b>  <b>com</b> (1)    <b>&lt; L &gt;</b>  <b>L.L.C</b> (1)  <b>L.R</b> (6)  <b>la</b> (1)  <b>labeled</b> (13)  <b>labels</b> (1)  <b>lacks</b> (1)  <b>lady</b> (1)  <b>land</b> (1)  <b>Lane</b> (1)  <b>language</b> (2)  <b>Las</b> (1)  <b>Lauderdale</b> (1)  <b>launch</b> (13)  <b>launched</b> (11)  <b>LAW</b> (11)  <b>laws</b> (1)  <b>lawsuit</b> (3)  <b>lawsuits</b> (1)  <b>LEA</b> (5)  <b>lead</b> (1)  <b>leader</b> (3)  <b>leaders</b> (3)  <b>leadership</b> (4)  <b>learn</b> (6)  <b>learned</b> (10)  <b>learning</b> (11)  <b>learns</b> (1)  <b>leave</b> (4)  <b>leaves</b> (1)  <b>left</b> (6)  <b>legal</b> (2)  <b>letters</b> (1)  <b>level</b> (32)  <b>levels</b> (1)  <b>liable</b> (1)                 </p>	<p> <b>lick</b> (1)  <b>licked</b> (4)  <b>limit</b> (2)  <b>limited</b> (1)  <b>line</b> (4)  <b>lines</b> (2)  <b>link</b> (3)  <b>list</b> (11)  <b>listed</b> (12)  <b>listen</b> (5)  <b>listened</b> (2)  <b>lists</b> (3)  <b>litigation</b> (2)  <b>little</b> (15)  <b>lived</b> (1)  <b>living</b> (1)  <b>LLP</b> (1)  <b>located</b> (10)  <b>location</b> (3)  <b>loco</b> (2)  <b>log</b> (1)  <b>long</b> (13)  <b>longer</b> (2)  <b>look</b> (19)  <b>looked</b> (5)  <b>looking</b> (10)  <b>looks</b> (10)  <b>losing</b> (1)  <b>loss</b> (2)  <b>lot</b> (10)  <b>Louis</b> (4)  <b>loved</b> (1)  <b>lump</b> (1)  <b>lunch</b> (3)    <b>&lt; M &gt;</b>  <b>MACDONALD</b> (69)  <b>main</b> (2)  <b>major</b> (1)  <b>making</b> (15)  <b>Maltreatment</b> (1)  <b>man</b> (1)  <b>manage</b> (1)  <b>managed</b> (1)  <b>Management</b> (23)  <b>managers</b> (1)  <b>managing</b> (2)  <b>mandatory</b> (4)  <b>manner</b> (2)                 </p>
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<b>Manual</b> (19)	<b>module</b> (1)	<b>notices</b> (1)	<b>opportunity</b> (3)
<b>manuals</b> (4)	<b>modules</b> (3)	<b>notification</b> (1)	<b>opt</b> (6)
<b>mark</b> (6)	<b>molested</b> (2)	<b>notified</b> (3)	<b>opted</b> (2)
<b>marked</b> (9)	<b>mom</b> (2)	<b>notify</b> (5)	<b>order</b> (10)
<b>marks</b> (1)	<b>moment</b> (27)	<b>notifying</b> (1)	<b>ordinary</b> (1)
<b>master's</b> (2)	<b>money</b> (3)	<b>Nova</b> (4)	<b>organization</b> (15)
<b>MATHIS</b> (1)	<b>monies</b> (2)	<b>November</b> (1)	<b>organizations</b> (5)
<b>matter</b> (2)	<b>month</b> (2)	<b>number</b> (23)	<b>organize</b> (1)
<b>matters</b> (10)	<b>monthly</b> (3)		<b>Ortega</b> (3)
<b>MCHAFFIE</b> (1)	<b>months</b> (11)	<b>&lt; O &gt;</b>	<b>outcome</b> (14)
<b>MDCPS</b> (2)	<b>moral</b> (1)	<b>O-301</b> (1)	<b>outlined</b> (2)
<b>mean</b> (26)	<b>morning</b> (3)	<b>OATH</b> (3)	<b>outlines</b> (1)
<b>Meaning</b> (3)	<b>mother</b> (2)	<b>object</b> (13)	<b>Outside</b> (8)
<b>means</b> (2)	<b>mouth</b> (4)	<b>Objection</b> (9)	<b>overall</b> (1)
<b>meant</b> (1)	<b>move</b> (7)	<b>obligation</b> (2)	<b>oversee</b> (2)
<b>Measures</b> (3)	<b>moved</b> (5)	<b>obtain</b> (9)	<b>oversight</b> (1)
<b>mediation</b> (1)	<b>moves</b> (1)	<b>obtained</b> (1)	<b>overstep</b> (1)
<b>meet</b> (20)	<b>moving</b> (2)	<b>obviously</b> (34)	<b>owner</b> (1)
<b>meeting</b> (13)	<b>MULCAHY</b> (1)	<b>occasions</b> (1)	
<b>meetings</b> (6)	<b>Multiple</b> (3)	<b>occur</b> (2)	<b>&lt; P &gt;</b>
<b>meets</b> (1)	<b>mute</b> (1)	<b>occurred</b> (8)	<b>p.m</b> (2)
<b>member</b> (3)		<b>offender</b> (1)	<b>packet</b> (1)
<b>members</b> (8)	<b>&lt; N &gt;</b>	<b>offense</b> (2)	<b>Page</b> (11)
<b>mentally</b> (1)	<b>naked</b> (6)	<b>offensive</b> (1)	<b>pages</b> (5)
<b>mention</b> (4)	<b>name</b> (13)	<b>offer</b> (1)	<b>paid</b> (14)
<b>mentioned</b> (28)	<b>names</b> (1)	<b>offered</b> (8)	<b>panties</b> (1)
<b>mentions</b> (1)	<b>narrative</b> (6)	<b>Office</b> (44)	<b>pants</b> (10)
<b>mentor</b> (1)	<b>nature</b> (26)	<b>officer</b> (44)	<b>paper</b> (2)
<b>merits</b> (2)	<b>necessarily</b> (4)	<b>officers</b> (10)	<b>paper-pencil</b> (1)
<b>message</b> (4)	<b>need</b> (55)	<b>offices</b> (2)	<b>paperwork</b> (1)
<b>met</b> (11)	<b>needed</b> (8)	<b>official</b> (2)	<b>Papito</b> (1)
<b>method</b> (1)	<b>needs</b> (12)	<b>Oh</b> (7)	<b>paragraph</b> (3)
<b>Miami</b> (5)	<b>negative</b> (2)	<b>Ok</b> (2)	<b>parent</b> (59)
<b>Miami-Dade</b> (51)	<b>neglect</b> (11)	<b>Okay</b> (142)	<b>parent/caregiver</b> (1)
<b>middle</b> (1)	<b>neglected</b> (3)	<b>okayed</b> (1)	<b>parentis</b> (2)
<b>minds</b> (1)	<b>never</b> (22)	<b>Olas</b> (1)	<b>parents</b> (112)
<b>minimal</b> (2)	<b>new</b> (9)	<b>old</b> (2)	<b>parent's</b> (1)
<b>minor</b> (7)	<b>newly</b> (1)	<b>OLIVIA</b> (8)	<b>parent-student</b> (1)
<b>minute</b> (5)	<b>night</b> (1)	<b>Once</b> (28)	<b>part</b> (15)
<b>minutes</b> (3)	<b>nine</b> (2)	<b>ones</b> (6)	<b>partes</b> (1)
<b>Mir</b> (37)	<b>nino</b> (1)	<b>one-time</b> (1)	<b>participated</b> (1)
<b>mira</b> (1)	<b>non-verbal</b> (1)	<b>online</b> (8)	<b>participation</b> (1)
<b>mirror</b> (1)	<b>normal</b> (2)	<b>open</b> (1)	<b>particular</b> (14)
<b>Mir's</b> (1)	<b>normally</b> (1)	<b>opened</b> (1)	<b>particularly</b> (1)
<b>mis</b> (1)	<b>Notary</b> (3)	<b>opening</b> (4)	<b>PARTIES</b> (6)
<b>missed</b> (2)	<b>note</b> (2)	<b>operate</b> (1)	<b>partnership</b> (1)
<b>mistaken</b> (1)	<b>notes</b> (8)	<b>operating</b> (24)	<b>parts</b> (8)
<b>mode</b> (2)	<b>not-for-profit</b> (4)	<b>operations</b> (15)	<b>party</b> (1)
<b>modification</b> (1)	<b>Notice</b> (16)	<b>opinion</b> (4)	<b>pass</b> (1)

pattern (3)	PLC (3)	processed (2)	reaction (1)
pay (2)	please (4)	processes (2)	read (18)
payable (2)	plug (1)	produce (1)	reading (11)
payment (1)	point (40)	produced (2)	ready (4)
payroll (4)	police (73)	professional (4)	real (1)
PE (6)	policies (105)	profit (1)	really (31)
pee (4)	policy (77)	program (4)	reason (2)
peeing (1)	poop (2)	programs (3)	reasonably (1)
penalty (1)	popular (1)	progression (1)	reasoning (1)
pencil (6)	portal (3)	prohibited (1)	recall (20)
people (5)	portion (3)	prompt (2)	receivable (2)
percent (4)	position (1)	prompted (1)	receive (15)
percentage (4)	possession (1)	prompting (1)	received (19)
Perfect (1)	possible (2)	properties (1)	receives (6)
perform (2)	posted (1)	protect (2)	receiving (8)
performance (1)	power (1)	proven (2)	recess (1)
perjury (1)	practice (4)	provide (15)	recognize (8)
permanent (1)	precedence (1)	provided (9)	recollect (1)
person (29)	pre-K (1)	provides (2)	reconfigured (1)
personal (3)	prepare (4)	providing (4)	record (26)
personally (3)	prepared (3)	Public (26)	recorded (2)
personnel (1)	preparing (1)	Public-State (1)	recording (1)
perspective (2)	Preschool (1)	published (1)	recordings (1)
pertain (5)	present (7)	pull (3)	records (8)
pertaining (9)	presenting (1)	pulled (4)	recruiting (1)
pertains (11)	president (2)	purchasing (1)	redirects (1)
pervasive (3)	pretty (8)	purposes (4)	reduce (1)
phone (2)	prevent (2)	pushed (1)	refer (7)
phonetic (2)	prevented (1)	put (15)	Referral (1)
physical (19)	previous (5)	putting (1)	reference (2)
physically (13)	previously (8)		referenced (5)
pick (1)	principal (108)	< Q >	references (3)
picked (2)	principals (16)	quarterly (1)	referencing (5)
picture (1)	principal's (6)	que (1)	Referral (12)
pictures (1)	print (1)	question (28)	referrals (1)
piece (2)	printed (1)	questioned (4)	referred (6)
pieces (2)	prior (11)	questioning (3)	referring (9)
pinched (1)	priority (2)	questions (22)	refers (4)
pipi (4)	privacy (1)	quick (1)	reflect (3)
place (61)	privadas (1)	quiero (1)	reflective (1)
placed (3)	private (8)	quote/unquote (1)	refused (1)
places (1)	privy (4)		regard (1)
Plaintiff (3)	probably (6)	< R >	regarding (14)
Plaintiff's (11)	probing (1)	R-7 (1)	Regardless (2)
plan (8)	problem (1)	R-9 (2)	regards (10)
planning (1)	procedure (5)	ran (1)	region (1)
plans (3)	procedures (64)	reach (6)	regular (3)
platform (2)	proceed (6)	reached (4)	regulations (1)
playing (3)	process (32)	react (1)	reimbursement (1)

reinvent (1)	respond (3)	scan (1)	severe (6)
related (9)	responded (1)	scenario (2)	severity (8)
relates (6)	Respondent (1)	schedule (4)	sex (2)
relating (8)	responding (1)	scheduled (1)	Sexual (125)
relationship (2)	response (9)	SCHOOL (235)	sexually (4)
relative (2)	responses (3)	school-based (2)	shape (3)
relayed (1)	responsibilities (5)	schooling (1)	share (5)
rely (1)	responsibility (4)	SCHOOLS (146)	shared (3)
remain (1)	responsible (13)	school's (4)	shelf (2)
remains (1)	rest (2)	Science (1)	shelves (1)
remember (15)	restroom (1)	scope (1)	show (27)
REMOTELY (1)	result (2)	screaming (1)	showed (11)
remove (1)	resulting (1)	screen (3)	shower (1)
removed (2)	return (1)	scrolled (1)	showing (4)
rents (1)	returned (1)	se (1)	shows (1)
repeat (1)	review (17)	seal (1)	shrug (1)
repeated (2)	reviewed (10)	second (10)	side (2)
repeatedly (6)	reviewing (1)	section (40)	sight (1)
repeating (1)	revising (1)	sections (1)	sign (9)
rephrase (2)	right (102)	security (1)	signed (3)
replicating (1)	right-hand (1)	see (66)	signing (1)
Report (99)	Rights (27)	seeing (1)	signs (4)
Reported (44)	Rolando (7)	seen (13)	silly (1)
reporter (8)	role (14)	sees (2)	similar (1)
reporters (1)	roles (2)	select (1)	simple (1)
REPORTER'S (2)	room (1)	self (1)	simply (1)
reporting (26)	Rosali (2)	self-destructive (1)	simultaneously (2)
reports (11)	roughly (3)	send (4)	sing (1)
represent (3)	route (1)	sensitive (1)	single (8)
representation (1)	Ruiz (2)	sent (3)	sir (10)
reprimand (3)	rule (1)	sentence (1)	sit (5)
reprimanded (3)	rules (1)	sentiment (1)	site (12)
reprimands (1)	run (3)	separate (7)	sites (1)
reprint (1)	runs (1)	separated (4)	sitting (2)
request (6)	< S >	separating (1)	situation (21)
requesting (1)	safe (9)	September (3)	situations (4)
requests (1)	safe-school (4)	series (2)	Six (7)
require (2)	safety (20)	serious (2)	slew (3)
required (17)	salaries (1)	seriously (2)	slides (1)
requirements (6)	salary (5)	served (1)	slurs (1)
requires (4)	sat (3)	Service (5)	small (2)
requiring (1)	satisfied (1)	serviced (1)	SMITH (1)
rescue (2)	Saturday (1)	SERVICES (19)	So-and-so (1)
resolution (2)	save (1)	SESIR (1)	socially (1)
resolutions (1)	saw (7)	session (1)	Sol (2)
resolve (1)	saying (32)	sessions (1)	somebody (10)
resolved (2)	says (54)	set (13)	son (1)
resources (3)	SCAM (6)	setting (5)	song (1)
respective (1)		seven (10)	soon (3)

sorry (14)	stepping (1)	sworn (2)	third (5)
sort (1)	steps (54)	symptoms (3)	THOMAS (1)
Southeastern (3)	stolen (1)	system (5)	thorough (1)
SOUTHERN (1)	stop (5)	< T >	thought (3)
Southwest (2)	stopped (6)	table (3)	threat (1)
Spanish (1)	store (2)	tables (1)	threatening (1)
SPAR (25)	stored (6)	tabs (2)	three (20)
speak (18)	story (13)	tail (1)	Three-ring (1)
Speaking (3)	strategies (3)	take (66)	threw (1)
special (7)	streamline (1)	taken (20)	THURSDAY (2)
specialist (4)	strictly (2)	takes (6)	time (46)
specialize (1)	strike (4)	talk (12)	timeline (1)
specialized (1)	Student (145)	talked (5)	times (13)
specific (47)	student-based (1)	talking (10)	Title (214)
specifically (24)	student-by-student (1)	Tallahassee (1)	titled (9)
spectrum (1)	student-on-student (1)	Tampa (1)	today (8)
spend (1)	students (97)	targeted (1)	today's (4)
spiraled (1)	student's (6)	tasks (1)	told (47)
spoke (21)	stuff (14)	taxes (1)	top (1)
spoken (4)	subcontract (1)	teach (2)	topic (1)
sponsor (4)	subject (2)	teacher (44)	topics (10)
stabbed (1)	submit (4)	teachers (16)	TotalSource (3)
staff (23)	submitted (2)	teaches (1)	toto (1)
stall (7)	success (2)	teaching (1)	touch (17)
stance (1)	suit (1)	team (14)	touched (24)
stand (3)	Suite (5)	teams (2)	touching (17)
standardized (3)	sum (1)	teenager (1)	track (2)
standards (1)	summer (11)	tell (37)	trained (2)
standing (1)	superintendent (1)	telling (9)	training (32)
standings (1)	SUPERIOR (54)	tells (9)	trainings (1)
start (22)	Superior's (1)	ten (7)	transactions (1)
started (12)	supervisor (14)	tend (1)	transcribe (1)
starting (2)	supplemental (1)	ten-minute (1)	transcript (1)
starts (6)	support (20)	tenure (1)	transcription (1)
start-ups (1)	supporters (1)	term (5)	transition (3)
State (17)	supporting (1)	terms (10)	transitioned (1)
state-awarded (1)	Supportive (1)	terrible (1)	translate (1)
stated (7)	supports (2)	testified (5)	translated (1)
statement (27)	supposed (3)	testify (9)	translation (2)
statements (3)	sure (41)	testifying (3)	treat (2)
STATES (5)	Susie (2)	testimony (9)	treated (1)
stating (2)	suspect (7)	tetitas (7)	treating (1)
status (2)	suspected (1)	text (1)	trial (1)
stayed (1)	suspects (1)	Thank (8)	Triana (1)
stays (4)	suspend (1)	thing (15)	tried (3)
stenographically (1)	suspended (1)	things (80)	triggers (3)
step (40)	switch (1)	think (19)	true (6)
stepdad (1)		thinking (2)	truly (3)
stepfather (1)			truthfully (2)

<p>try (9)                  trying (11)                  Tuesday (24)                  turn (8)                  turned (2)                  turning (2)                  tutoring (1)                  TV (1)                  two (33)                  type (10)                  types (2)                  typical (2)                  typically (39)</p> <p>&lt; U &gt;                  Uh-huh (15)                  ultimate (2)                  ultimately (1)                  umbrella (1)                  unable (1)                  uncomfortable (3)                  undergo (2)                  undergone (1)                  undergrad (1)                  undersigned (1)                  understand (26)                  understanding (9)                  understands (1)                  undressed (1)                  unfounded (14)                  unit (1)                  UNITED (1)                  University (4)                  unreasonably (1)                  unwelcome (1)                  unwilling (1)                  upbringing (1)                  update (2)                  updated (7)                  upload (3)                  uploaded (1)                  uploading (1)                  upper (1)                  upset (13)                  urinal (1)                  use (28)                  uses (4)                  usual (1)                  usually (25)</p>	<p>utilize (3)                  utilizes (1)</p> <p>&lt; V &gt;                  vagina (5)                  Valladares (4)                  varies (1)                  vaya (1)                  vendor (4)                  vendors (9)                  verbal (33)                  verbalized (1)                  verbalizing (1)                  verbally (5)                  verified (2)                  versa (2)                  versus (1)                  vice (2)                  video (5)                  visibly (1)                  visit (2)                  visits (3)                  volunteered (1)                  vs (1)</p> <p>&lt; W &gt;                  wait (8)                  waive (1)                  waived (1)                  walkthroughs (1)                  Walton (1)                  want (70)                  wanted (20)                  wants (4)                  warnings (1)                  warrant (2)                  warrants (9)                  water (2)                  way (21)                  ways (1)                  wear (1)                  websites (2)                  Wednesday (18)                  week (9)                  weekend (3)                  weeks (2)                  Well (67)                  well-being (3)                  went (20)</p>	<p>we're (30)                  West (3)                  We've (9)                  whipped (1)                  white (3)                  wife (1)                  Wimpy (1)                  withdraw (1)                  withdrew (1)                  witness (32)                  witnesses (3)                  word (2)                  words (6)                  work (41)                  worked (7)                  working (3)                  works (6)                  worksite (1)                  worry (3)                  wow (1)                  wrap (1)                  write (7)                  writer (1)                  writes (1)                  writing (7)                  written (10)                  wrong (6)                  wrote (2)</p> <p>&lt; X &gt;                  Xenia (17)                  XI (1)</p> <p>&lt; Y &gt;                  yada (6)                  Yeah (19)                  year (18)                  yearly (1)                  years (33)                  yelling (1)                  yesterday (2)                  yo (1)                  young (6)                  YOUNT (1)</p> <p>&lt; Z &gt;                  Zoom (1)</p>
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